

MUNICIPAL ADMINISTRATION

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TO MY PARENTS

PREFACE

This volume is designed primarily as a text and reference book for college courses in political science. Administrators and technicians will find reading fruitful only in those chapters containing subject matter to which they are themselves laymen. A conscious attempt was made to achieve that characteristic which teachers call "teachability." To do this is no easy task in the field of municipal administration, because it is necessary to include subject matter which is popularly regarded as technical and (or) uninteresting.

The author of a work in this field must strive for a balance which will hold the young layman's attention while at the same time telling him something more than impressive commonplaces about the intricacies of city operation. It is hoped that a desirable step may have been taken by making the opening discussion of the so-called "staff" activities as brief as possible. This permits entering soon into a presentation of the dynamic protective line functions which have a human interest appeal.

This work is to an unusual extent the result of co-operative effort. It is the first publication of the Public Administration Teaching Materials Research Project of the School of Government of The University of Southern California. The Rockefeller Foundation generously assented to the completion of this manuscript as the first order of business under a grant for research purposes. The result was a constant cross-fire of candid editorial criticism from staff members.

A number of the chapters were written in final form by the author's colleagues and assistants after he blocked out the first draft. Thus Robert E. Ahrens assisted in the preparation of the chapters on Traffic, Fire, Airports, Public Works, and Public Utility Regulation. The same assistance was given by Robert E. Culbertson in the case of the chapters dealing with Prosecution and the Courts, Prosecuting Officials, Public Health, Public Wel-

fare, Housing, and Public Utility Operation. Miss Marion A. Wirt likewise worked on the last three chapters in the book dealing with Education, Parks and Recreation, Libraries, Museums, and Music. Professor John McDiarmid read and edited the entire manuscript.

The following persons read and commented on parts of the manuscript. Sincere appreciation is hereby expressed for their extremely worthwhile suggestions: William Barr, J. Lyle Belsley, Walter H. Blucher, O. W. Campbell, C. H. Chatters, Winston W. Crouch, W. R. Harriman, George Hjelte, Ira V. Hiscock, Orin F. Nolting, Robert M. Paige, David L. Robinson, Jr., Ralph E. Spear, and Russell M. Story.

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JOHN M. PFIFFNER

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MUNICIPAL ADMINISTRATION

CHAPTER I

THE MUNICIPALITY AS A MANAGEMENT PROBLEM

We are living in an age of science, which inevitably means an age of management. The industrial revolution catapulted us out of an era of handicraft economy into a new world, where thousands of workers unite in the production of such a single small article as an automobile tire. The resultant assembly-line method of production has been a major contributing factor to the urbanization of America in the last few decades. In contrast to Mr. Upson's score of functions performed by the city of Detroit a hundred years ago, the city of today counts its activities by the hundreds.¹ The metropolitan county has added to its traditional functions of judicial administration, highways, and rural education, hundreds of services demanded by modern urban inhabitants of the county.²

This increase in the functions and activities of local government has been caused primarily by the impact of science on society. Scientific discovery has produced a magic circle. It increased the productiveness of the individual workers, but in order to do so it required them to locate in groups, to adopt an urban mode of life. This in turn created the modern problem of gregarious living; for, while the newly increased productivity brought with it a higher material standard of living, it also produced problems flowing from a greater population density. Consider for a moment just a few municipal activities occasioned by the advent of the automobile: traffic patrol, traffic engineering, street paving

¹ L. D. Upson, "The Growth of a City Government," *Public Management* (June, 1931), Vol. XIII, pp. 193-199.

² Los Angeles County has added 762 functions since 1850. H. F. Scoville, "Growth of Los Angeles County," *The Tax Digest* (February, 1936), Vol. XIV, pp. 46-49, 58-70.

(vastly increased), street widening, street straightening, gasoline inspection, gasoline pump inspection, parking regulations, automatic signal systems, traffic courts.

As the gadgets of science were offered to the public it was found that they had to be accompanied by a higher standard of public as well as private living. The automobile is generally acknowledged as a necessity under the American mode of life (sometimes even among families on relief). At the same time that it created a higher standard of private living, it demanded a higher standard of public services which the municipalities have in general produced. The radio requires the city to eliminate unnecessary interference. The citizen who is injured in an automobile accident must be given emergency ambulance and hospital treatment at public expense. Garbage must no longer be thrown in the vacant lot; water must no longer be supplied from individually owned wells; and firemen are required to save lives with rescue equipment provided from tax dollars.

If the advance of science created a higher standard of both private and public living, so did it produce abundant social and economic abuses. Gregarious living brought tenement houses, slums, filth, chronic illness, contagion, and delinquency. While private philanthropic agencies grappled courageously and commendably with these problems, it inevitably became apparent that they could be solved satisfactorily only through governmental action. Contagion, the scourge of humanity, had to be attacked through joint community action. On the one side, the engineer had to be enlisted in costly projects to dispose of municipal wastes which carry the germs of disease. On the other side, the biologist, bacteriologist, chemist, and physician had to be utilized to assure uncontaminated food sources, inspect contamination foci, inject serums to render bodies immune, and disseminate knowledge in health matters. Police forces were augmented with every variety of specialist and technician; and now juvenile delinquency is being attacked through the joint efforts of police, recreation leader, psychiatrist, psychologist, social worker, physician, and juvenile court. Only now are we beginning to attack the modern slum problem through publicly subsidized low-cost housing projects.

The net result is that municipal management utilizes in the interests of a better life the known findings of science. On the payroll of some urban governmental agency will be found such diverse technicians as roentgenologist,³ entomologist,⁴ chemist,⁵ bacteriologist,⁶ and cartographer.⁷ This means that municipal services have become technical, scientific, and professional in their nature; hence, they have of necessity attracted a professional personnel. This in itself was sufficient to cause a decided toning up of administration, for people with scientific and professional tasks to attend to become impatient of slipshod methods, inertia, and obstruction. Moreover, the scientists were brought into the picture in the first place because there were specific tasks to be performed. When the street was to be paved, it required an engineer to draft the specifications and inspect construction. When it was decided to inspect dairies and milk, a laboratory technician had to be secured. When successive deficits forced the adoption of budgetary control, trained accountants had to be secured to install the proper system of records and controls. Thus modern municipal administration is a huge political, economic, social, and scientific organism. It is concerned with producing smoothly-running, pleasant, safe, and wholesome urban life in its public aspects. To do so it must utilize all of the arts, procedures, and techniques of scientific management.

Management

The significant thing about the municipality today is the emphasis that is being laid upon management.⁸ The latter term is being used here as synonymous with co-ordination. It involves the control of operations so as to secure the maximum results

³ X-ray technician.

⁴ Study of insects in mosquito control.

⁵ Every large police department now has a chemist to investigate evidence of crime.

⁶ In water departments, or public health laboratories, or hospitals.

⁷ One who makes statistical charts and graphs, usually in research bureaus.

⁸ We are not disposed to make a distinction between "administration" and "management." The former refers to all of the non-political and technical activities of the government, while the latter is more closely identified with the co-ordinating activities. Louis Brownlow has said: "I think of management as that process or procedure by which an endeavor is made to adjust a flowing continuous operation to an existing environment which also is changing and flowing, never losing sight of the goal which is set as the purpose of that enterprise or operation." *Public Management* (November, 1934), Vol. XVI, pp. 339, 340.

with the minimum of expenditure; the elimination of waste, duplication, and excess effort.

The first element of management is the utilization of technology. Scientific management must be based upon the scientific method, which is, after all, a manner of approach. It requires that no major project be undertaken unless based upon factual knowledge. No dam is to be built until the foundations have been explored by geologists and engineers using tunnels and core drills. No claim shall be incurred until the fiscal officer has certified that money is available for its liquidation. Thus no enterprise should be undertaken until trained technicians have worked out the details. Modern technology in this manner is applied to the solution of problems at hand by persons capable of utilizing it. Increasing numbers of technicians are being employed in all levels of government to carry on the many activities demanded by modern society.

The second phase of management, and one that is very closely related to the first, is research and administrative planning. These activities have become the very life-blood of modern municipal management. The health officer must have his morbidity reports in order to know what facilities to ask for and how to use them after he gets them. The chief of police must receive the statistical analysis of crime trends in order to mobilize his forces intelligently. The water department must estimate population trends in order to plan for a water supply one, two, or three decades hence. The city planners must control the subdivision of land in order to see that it fits in with plans for the future extension of municipal services. All of the physical, fiscal, and social facts of the urban community must be known and analyzed by modern municipal administrators. Thus research provides information which is used in determining the course of action of the public administrator.

The next element of management involves executive control. Co-ordination means the bringing together and harmonizing of divergent factors, tendencies, and agencies. American political philosophy has been influenced by the fear of strong executive power and experience with municipal corruption. To avoid both of these, administrative activities were entrusted to agencies

and officers independent of each other. The theory seems to be that one would watch the other—operate as checks and balances. While a certain amount of co-ordination can be achieved under a disintegrated administrative system, it has become increasingly apparent that maximum effectiveness can be attained only through some form of central management agency with authority to enforce co-ordination. In other words, there must be executive control, whether by a city manager, strong mayor, or chief administrative officer. This development has come about because of the inexorable trend of events, the force of circumstances. A great technical, sociological, and economic organism, such as a modern city, must have its services co-ordinated in the interest of economy, comfort, and convenience to its citizens. Management co-ordination has had to struggle against deep-rooted and sincere American prejudices and fear of one-man power, as well as the opposition of those with political axes to grind. Nevertheless, slowly and reluctantly city after city has strengthened its management controls under the relentless impact of dire necessity.⁹

A final element of the new management has been a groping toward a scientific personnel policy. The civil service movement is now a half century old. It most certainly has tended toward greater security and stability of employment, even though its administration has unquestionably been spotted. In certain places the principles of the merit system have been openly flouted; and elsewhere its enemies have bored from within by maintaining an outward semblance of compliance while clandestinely administering it to their own ends. A surprising development has been the antagonism of the new management group to traditional civil service because of alleged inability to get rid of unqualified workers. The management movement seems destined to place emphasis on the management aspects of personnel procedure, assuming that security will take care of itself under a scientific management régime.

By way of recapitulation, then, modern municipal management is characterized by four significant elements or developments. In the first place, it utilizes technology and the services of

⁹ Clarence E. Ridley and Orin F. Nolting, *The City-Manager Profession* (The University of Chicago Press, Chicago, 1934), p. 4.

technicians ; secondly, it tries to act intelligently by proceeding on the basis of research and planning ; thirdly, it definitely tends toward an integrated executive control ; and lastly, it is groping toward a scientific personnel policy.

The man on the street may be skeptical of the above implication that American cities are attempting to put some order into the conduct of their affairs. Where is this new management ? What are some concrete evidences of its existence ? In a few cities they will be apparent by their abundance, and in practically all there will be isolated developments, not so readily evident to the man on the street. The municipality of any size which has not made some conscious effort toward budgetary control is rare indeed. Along with this has gone the development of accounting control. City after city is now able, through machine accounting, to strike off at any given time an accurate balance sheet showing its true financial condition. The municipality which does not possess an adequate central purchasing office is, fortunately, becoming rare. The technique of fiscal control is fairly well settled ; we know how to "plug the holes," and as a result the municipalities of the country are gradually mastering the budgetary problem. Ten years hence slipshod cash accounting—a commonplace a decade back—will be a scandal even in those places dominated by powerful political machines.

In the field of executive control there has been a marked tendency toward the adoption of the controlled-executive (council-manager) and strong-mayor types. Approximately 480, or about one out of five cities above 10,000 population, now have a city manager. This includes such important cities as Cincinnati, Rochester, Oakland, Toledo, Dallas, Kansas City, San Diego, Berkeley, Trenton, Wichita, and Dubuque.¹⁰ While the administration in the manager cities is not as uniformly excellent as the protagonists of this scheme would like, nevertheless, the attainments of the city managers are on the whole more than gratifying. As this is written one discerns a desirable tendency to fill the position of city manager with an individual having public administrative experience, even when provincialism dictates the choice

¹⁰ See current issue of *The Municipal Year Book* (The International City Managers' Association, Chicago).

of a local man. In some localities the trend toward stronger executive control has not taken the council-manager form. Thus in San Francisco, co-ordination has been attempted through a chief administrative officer appointed by the mayor. Elsewhere a degree of co-ordination has been achieved even under a disintegrated administrative organization.

The most significant development in this latter respect has been a series of administrative reforms usually resulting after studies and recommendations by local bureaus of research, either official or private. Reference has already been made to budgetary control and centralized purchasing. Especially significant has been the development of control through cost accounting, notably in public works activities. Backward indeed is the city which does not know the exact cost per unit handled of removing and disposing of garbage, the square yard cost of patching paving, the cost per mile of running a motor truck, or the rental rate of a concrete mixer. In these days of motor supremacy there has hardly been a municipality that has not struggled with the problem of controlling automotive expense, and a survey will reveal the development of fairly uniform management principles available. In the depression years of the 1930's increasing financial stringency necessitated a wide variety of dollar-saving devices. Among them were central control of equipment, photographic recording, central control of printing and duplicating, the central mailing room, the central right-of-way and land agency to co-ordinate the city's real estate interests, and the central automotive repair shop. Taken all in all, the contemporary American city has been actively conscious of its management responsibilities. A new managing personnel has taken active and intelligent steps toward the solution of management problems, making progress, sometimes halting, but frequently praiseworthy and even distinguished.¹¹

Graft and Corruption

The man on the street may be skeptical of this flattering picture of American municipal development in the last few years. Has he not read in the papers of the defalcation of many thou-

¹¹ Ridley and Nolting, *op. cit.*, pp. 82-100.

sands of dollars by a teller in the city treasurer's office? Was not a city councilman convicted of accepting a bribe from a contractor? Did not the Seabury investigation produce incontrovertible evidence of police corruption? It cannot be denied, for instance, that Philadelphia, Chicago, New York, and Kansas City at one time or another have been administered by selfish politicians. Graft and corruption are still far too prevalent in American municipal life. But there is another development which the man on the street has hardly become cognizant of: namely, that very significant movement which Leonard D. White has referred to as "the new management."¹²

POLITICS AND ADMINISTRATION. This new management, which has been adequately described in the preceding paragraphs, is automatically producing a new and natural separation of governmental powers. About forty years ago an American scholar wrote a little book which should be more widely read.¹³ In it he says that there are two primary functions of government: one is politics and the other is administration. Both are essential, desirable, and honorable activities in democratic governments. Politics is the process of crystallizing, determining, and declaring the will of the people with reference to matters of policy. Administration is the performance of the actual work necessary to the carrying out of policy determined through popular channels. In a city, policy determination is the domain of the city council, mayor, referendum, public forum, and political campaign. Administration, on the other hand, should be left to the city manager, the comptroller, the health officer, the police chief, the director of public works, and the rest of the administrative staff. The latter should be responsible to and answerable to the political branch; but the political officers should refrain from undue and petty interference in purely administrative matters.

¹² Leonard D. White, *Trends in Public Administration* (McGraw-Hill Book Co., Inc., New York, 1933), p. 143. A recent report by a private firm on the City of Detroit reads as follows: "At present Detroit is comparatively free of graft. The City is in excellent hands and there is no reason to suppose that conditions will change during the tenure of office of the present administration." Lazard Frères and Company, *City of Detroit, Michigan, Wayne County, Financial Study*. (Mimeo., New York, May 17, 1935), p. 30.

¹³ Frank J. Goodnow, *Politics and Administration* (The Macmillan Co., New York, 1900), 270 pp.

The man in the street will say to this: "That nice theory is all very well, but it looks to me as though the politicians are running administration to their own selfish ends." In far too many cities this charge cannot be wholly denied. However, there is an increasing number of cities in which natural forces are tending to require a recognition of the distinction between politics and administration.

SCIENCE AND POLITICS. This trend is amply evidenced by the fact that politics is less prevalent in those municipal departments the operations of which, to a very large extent, are based on well-developed technology. Probably the leading example of this tendency is the fire department. All over the country fire forces tend to possess security, tenure, and a desire for proficiency. Fire fighting and fire prevention constitute well-developed procedures and techniques based largely on engineering science. In-service training for firemen is widely prevalent. Other services with a scientific background which are usually well run are public health, water supply, sewer systems, disposal of wastes, and a wide variety of engineering activities. The personnel carrying out these services must possess a certain minimum of professional and managerial competence; otherwise urban life would cease to function. The result is that even the politician must give some consideration to ability when making appointments on a spoils basis.

It has been said, for instance, that a certain urban sanitary district possesses one of the finest engineering forces in the United States. It has been rumored, although no charges have been proved, that the contracts for construction have been juicy sources of graft for the local political fraternity. Nevertheless, the residents of the district will obtain super-excellent sewage facilities, albeit at unnecessary expense. One reads in the daily press of an unprecedented feat of heart surgery performed by a police surgeon on a victim of a street brawl. Today the politician cannot run his city government without the assistance of engineers, physicians, nurses, and accountants. This fact is tending to make corruption more risky, and hence more difficult for the politician.

INFLUENCE OF THE BUSINESS COMMUNITY. Of late years one has read a great deal about the alliance between certain types of private business and crooked politicians. On the other side of the picture, however, it must be admitted that private business has frequently been a powerful influence in the direction of efficient municipal administration. It is coming to be realized that smoothly operated municipal services constitute a business asset, and that distinguished public agencies are good advertising for the community. That which has placed Cincinnati in the public eye more than any other one thing has been its reputation for extraordinarily effective municipal administration. Civic affairs committees of chambers of commerce have sponsored desirable charter changes and budgetary improvements. The fire insurance companies have demanded better fire and water services under pain of higher insurance premiums. Business men have financed bureaus of municipal research, probably hoping to secure lower taxes, but reaping, nevertheless, administrative reforms yielding more service per dollar. On the whole, then, a considerable portion of the business community has fostered movements which have played no small part in defeating the manipulation of our cities for purely political ends.

PLUGGING THE HOLES. Recent improvement in municipal management has been due in large degree to the fact that it is known how to "plug the holes." There has developed a fairly well-agreed-upon set of principles and procedures which, if followed, will produce effective municipal administration. This was hardly true thirty years ago. If a city has lax financial control, it is its own fault, for it is known how to obtain effectiveness in this respect. The same is true of fire, water supply, engineering, and public health. The following chapters aim to set forth the effective achievements along these lines.

There is only one large field of municipal activity where an effective administrative procedure has not been developed. That is the problem of controlling vice and the underworld. Metropolitan police departments are, on the whole, doing a fairly effective piece of work as far as major crimes are concerned. Such devices as radio patrol, scientific investigation, fingerprint identification, and orderly record keeping have transformed police

work in the last decade. But as yet administrative techniques have not been perfected that will prevent "pay-off" by the operators of commercial vice. Some administrators think that they could bring about control on this front through legal provisions permitting licensing, and at least one city manager claims that he has accomplished this very thing through *de facto* procedure.¹⁴ As long as the American people insist on passing sumptuary laws which they do not intend to obey, this problem will undoubtedly lack a fully satisfactory solution.

THE CITIZENS' PART. Although cynics may deny it, the fact remains that the opening decades of this century have produced a noteworthy improvement in civic consciousness. Civic-minded interest groups have organized to demand better facilities properly administered. Concrete evidences of this spirit are easily discerned in such of the newer developments as the public library movement, the recreation movement, and the child health movement. The intelligence with which combined lay and official groups are attacking the juvenile delinquency problem is heartening. On the other hand, citizens are demanding more effective services in many instances because the comfort and convenience of the individual demands it. Thus the advent of the automobile has necessitated intelligent street and traffic engineering. The scourge of contagion has made parents conscious of the desirability of health services.

In a small but increasing number of cities the enlightened citizenry has organized to resist the blight of crooked politics. The trouble with such movements in the past was that they thought their task was done when they won an election. Profiting by the mistakes of the past, Cincinnati has been the scene of a sustained movement for civic purity which has made that city the talk of the nation since 1925.¹⁵ Today good municipal services are sufficiently common, taking the nation as a whole, so that the urban dweller gets to know what to expect for his tax money. In one way or another he is making his demands effective, to the end

¹⁴ An understanding with the operators that they will remain unmolested if they will stay in a certain geographical area and refuse to pay the police.

¹⁵ Charles P. Taft, *City Management: The Cincinnati Experiment* (Farrar & Rinehart, New York, 1933), 275 pp.

that municipal administration is fast taking on a professional and business tone. This last statement constitutes the basic philosophy underlying the following chapters.

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PART I
ORGANIZATION

CHAPTER II

PRINCIPLES OF ORGANIZATION

There are certain broad principles of administrative organization which have been proved sound through practical experience and which are generally accepted by professional and student opinion. This does not mean that there is a standard organization pattern which can be rigidly applied to effect a solution of every situation. Organization is as much a human problem as it is a question of mechanical structure. Practical situations may present perplexing dilemmas the only solution for which may be the violation of organization principles. These rules should be regarded as valid and reliable guides to be applied with judgment and common sense.

The chief problem of modern public management is co-ordination. By this is meant the co-operation and working together of the various administrative subdivisions of the city. There seems to be a tendency for subunits to desire departmental autonomy and self-sufficiency—to become self-governing and self-contained units. When this is the case, the less worthy activities, fortunate in possessing aggressive administrative leadership combined with effective citizen pressure, may be developed at the expense of neglecting more desirable ones. Likewise, functions of equal merit might receive unequal consideration. Further, there might be unnecessary duplication of facilities resulting in the uneconomic use of equipment. Probably a park department and a public works department need not duplicate an entire line of construction and maintenance equipment, yet without some means of co-ordination they may be likely to do so. It may be possible to save thousands of dollars per year by refusing to permit the departments to buy postage stamps and by inaugurating a central mailing room with metered postage. The need for such co-ordination is paramount. The individual administrative

departments tend to resist co-ordination measures. However, by tactful persuasion and an unbiased demonstration of facts, their co-operation can be obtained. Thus the importance of co-ordination, which is the objective to be gained through organization, can be readily understood.

The following principles are those of the integrationist school, which includes those who believe in placing all management power under a single authority which is democratically responsible to the people, directly or indirectly. These rules probably would receive a wider acceptance as applied to departmental organization than to the city as a whole. Many who might object to the integration of a particular department under a strong mayor or city manager would be willing to apply the elements of integration within that department. With that understanding, these fundamentals may be regarded as being capable of universal application.¹

Integrated Structure

The first rule pertains to integration, which is based on the principle of the hierarchy. This means that the organization chart should resemble a triangle resting on its base. At the apex is the chief administrative officer and at the base the final break-up of units or departmental subdivisions. Between the apex and the base will be one or more layers of subdivisions, each of the latter a separate hierarchy unto itself. Lines of authority will run directly from the apex to department heads, from the department heads to bureau chiefs, from bureau chiefs to division heads, from division heads to section heads, and from section heads to the lowest workers at the base of the triangle. This type of organization is simple, natural, direct, and responsive. It is not artificial, which is why most natural and indigenous organizations take the form of some adaptation of the hierarchy. Extreme variations usually result from attempts to curb arbitrary executive power by dividing this power among several agencies.

¹ It is presumed that readers of this volume will be conversant with the various forms of municipal government. A college course in City Government is usually a prerequisite for entry into the study of Municipal Administration.

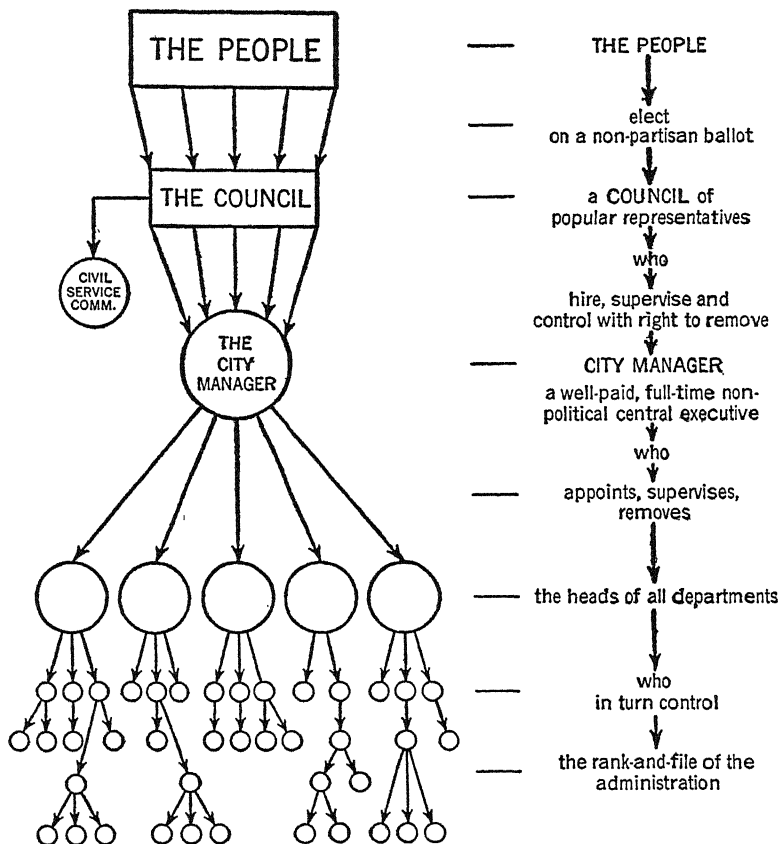


Figure 1. Chart of a Council-Manager City, Illustrating the Principle of Integration

(From *The City-Manager Plan at Work*, National Municipal League, New York, 1930, p. 3.)

Unifunctional Departmentalization

The second principle is that each of the major functions of a city government should be placed in a separate department.² This rule is illustrated by the nature of the activities which are grouped together and carried on by the police, fire, and health departments. However, this principle cannot be followed slavishly and blindly. Sometimes a particular activity cuts across several departments. A good example is juvenile delinquency, which has recreation, welfare, and police aspects. A happy solution to such a problem has been to have these interested departments co-operate, not only among themselves, but also with private agencies through a voluntary co-ordinating council.³

The principle of assigning related activities to the same organization unit is, therefore, to be regarded as relative rather than absolute in its application. Like all other rules involving the human equation it should be applied with circumspection. It must necessarily take cognizance of special situations due to personalities and local needs. Nevertheless, it is a valid principle, the heedless flouting of which must lead to management difficulties.

Distinction Between Staff and Line

Modern public management must recognize the distinction between staff and line activities. A staff activity is one which devotes its time and attention to investigation, study, and research. Those engaged in staff activity act purely in an advisory capacity; they do not engage directly in operating those units which render services to the public. The idea behind making staff activities independent of operating units is that the man on the job, the line officer, is so closely associated with his immediate task that he cannot see it from a relative standpoint. He is so busy with the task immediately at hand that he does not have the time or inclina-

² This is an over-simplified statement which is, however, essentially accurate for the purposes of the non-specialist. A more extensive discussion of the principles of organization will be found in Luther Gulick and L. Urwick (Eds.), *Papers on the Science of Administration* (Institute of Public Administration, New York, 1937), 195 pp.

³ For the use of the co-ordinating council in juvenile delinquency see Frances Cahn and Valeska Bary, *Welfare Activities of Federal, State and Local Governments in California 1850-1934* (University of California Press, Berkeley, 1936), pp. 94-99.

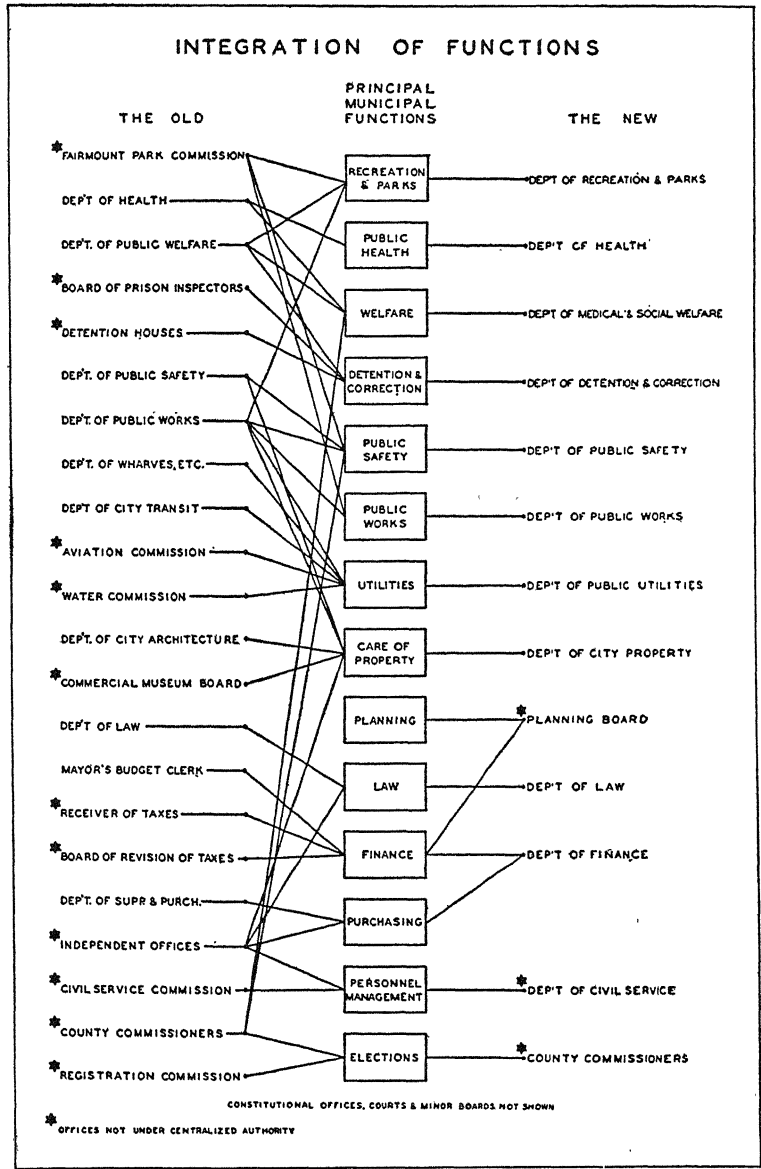


Figure 2. Proposed Rearrangement of Activities in Philadelphia with a View Toward Unifunctional Simplification

(By permission from *Summary Report of the Philadelphia Charter Commis-*

tion to assess either the value of what he is doing or the manner in which he is doing it. Furthermore, there are some individuals who are naturally inclined toward and fitted for investigation and research, while there are others who are especially qualified for getting things done, the direct management of operations. The former are said to be engaged in staff activities, while the latter are performing line functions.⁴ A good organization will recognize the value of, and make provision for, staff activities.

The staff agencies most evident to the layman are probably the budget bureaus which have sprung up in recent years. Every budgetary control agency requires the services of a technical staff of investigators. It is their duty to familiarize themselves with the operations of the various departments so that they will be able to bring an independent and reliable judgment to bear in advising the chief administrative officer on budget matters. While one may not find in all cities an agency bearing the name of the budget bureau, there must, nevertheless, be someone doing this work in every municipality operating under a satisfactory budgetary system. It may be done by someone under the manager in a small city, or, as in Chicago, there may be a technical staff under the finance committee of the city council.⁵ Not only in finance, but in all of the various city departments, a large and increasing amount of research and investigation is carried on. Outstanding in this respect are the engineering and scientific departments. For instance, every municipality must have means of testing the quality of the materials which it purchases. This is especially true of public works construction projects, such as street pavements and public buildings.

Central Control of Housekeeping

The next principle is that there should be central control of housekeeping. By housekeeping is meant those activities which are common to all departments. They are sometimes contrasted

⁴ For more extensive discussion of this principle see John M. Pfiffner, *Public Administration* (The Ronald Press Co., New York, 1935), pp. 55-57; W. F. Wiloughby, *Principles of Public Administration* (The Johns Hopkins Press, Baltimore, 1927), pp. 143-149; William Anderson, *American City Government* (Henry Holt & Co., New York, 1925), pp. 432-441.

⁵ See John M. Pfiffner, "The Los Angeles Bureau of Budget and Efficiency," *National Municipal Review* (February, 1932), Vol. XXI, pp. 107-109.

to functional or general purpose activities, which are the specialized services offered by the several departments individually.⁶ Central control of housekeeping may be classified under four categories: (1) financial control; (2) personnel administration; (3) construction, maintenance, and upkeep of physical property; and (4) miscellaneous housekeeping services. Agencies of central control are often referred to as "staff agencies." However, they have powers of command, and thus should be distinguished from the research and advisory staff services described above. It is sometimes true that essential research activities are carried on within the central control offices.

FINANCIAL CONTROL. It is universally conceded that there should be a general city office or offices controlling accounting, purchasing, and treasury operations for the entire city. These may be combined under a department of finance, or, as is usually the case, they may be independent of each other. There may be some accounting carried on in the departments themselves, but the control accounts will be maintained in the general accounting office.

Under a system of financial control, a financial plan is prepared by the mayor or manager and designed to balance outgo against income. When enacted with appropriate modifications by the city council, this plan becomes the control device for expenditures. The departments are compelled by the accounting office to comply with its provisions. Co-ordination is achieved by a planned allotment of available funds to departments on the basis of studied needs. No one is permitted to obligate the city in excess of its resources.

PERSONNEL ADMINISTRATION. Satisfactory administrative achievement is largely a result of the application of a merit system of personnel administration. Such a system attracts professional and technically minded personnel. Financial or budgetary control rests on the keystone of accounting, and accountants must have professional training. If the city is to get its money's worth for public works expenditures, it must have an able engineering staff. If a city has properly trained accountants, competent en-

⁶ Willoughby, *op. cit.*, pp. 45-46.

gineers, and qualified technicians generally, it is likely to be creditably administered. A merit system will attract such professional personnel, and its protected tenure will fortify their courage in resisting the pressures of ulterior influences.

It is well established that when an organization reaches a certain size there is need for a central personnel office or agency. This is true whether or not the city operates under a traditional "civil service" agency, for in those cases where competitive examinations are not given there is still a great deal of personnel work to be done. This includes the keeping of accurate and orderly employment records and rosters, the checking of payrolls, the administration of lay-offs, discharges, suspensions, vacations, and sick leaves, the administration of workmen's compensation and other forms of insurance, the conduct of safety campaigns, and training programs. The establishment of a central personnel office does not mean that the departments will be relieved of all personnel activities, for they will still retain their own personnel officers. The central agency will become a co-ordinating, supervisory, and general control device.

PHYSICAL PROPERTY MAINTENANCE. A certain amount of central control of the construction and maintenance of physical property is desirable. Thus some cities have bureaus of construction with complete contractors' equipment, able to undertake the erection of almost any kind of structure. Whenever the city is to build something, this bureau submits its bid in competition with private contractors. This device promotes competitive bidding and discourages collusion.⁷ The central control of building cleansing and upkeep is desirable to a certain extent. This sometimes takes the form of a custodian's bureau. Often the park department maintains the lawns and horticultural aspects of city property not under park jurisdiction. The central machine shop for the repair and maintenance of city motor vehicles is now a commonplace. Sometimes there is a mechanical department or bureau charged with seeing that all of the city's mechanical equipment, irrespective of where it is located, is maintained in serviceable order and in proper state of repair.

⁷ Bureau of Budget and Efficiency, *Organization and Administration of the Bureau of Construction* (City of Los Angeles, 1935, mimeographed), 36 pp.

MISCELLANEOUS HOUSEKEEPING SERVICES. There are a number of other services of a housekeeping nature which are amenable to central control. It has been found that money can be saved by a central mailing office with metered mail instead of letting the departments stamp their own mail. Some cities have found it desirable to maintain a central printing bureau through which all municipal printing must clear. It has been discovered that the acquisition, management, disposal, and leasing of real estate is a highly specialized task. Cities are constantly acquiring real estate. Unless all such matters are placed under a central real estate office, the city may jeopardize titles, rents, and may pay excessive purchase prices. Central mimeographing has become quite widely accepted, but departmental resistance has generally forestalled the central stenographic pool in spite of admitted economies. The furnishing of legal services by a central attorney's office is quite general practice.

Many other co-ordinating devices have been adopted recently by some cities. To forestall the "fixing" of traffic citations the officer's book is made out in several copies, one going to the traffic court, one to the police department, and one to the city's chief accounting office. Each is serially numbered so that it must be accounted for. It is the duty of the accounting office to make current audits of the disposition by the court of each citation in order to see that tickets have not been destroyed before getting to the court. The same audit will see that all of the money collected by the court gets promptly into the city treasury. Every proposal by a department to spend money must be checked by some control agency: the chief accounting officer, if for materials, supplies, equipment, or outlay; the personnel agency if for salaries and wages. A bureau of standards formulates specifications for and tests all physical things bought by the city, while engineering inspectors watch minutely all construction contracts. All financial transactions are recorded on serially numbered stationery each of which has to be accounted for, and carbon copies have to match the original. The person who collects cash is not the person who makes out the statement of the amount due. Further, central control of equipment with perpetual inventory and inter-departmental assignment has become general. A central office

often has control of the assignment of city motor equipment, as well as allowances for privately owned autos used in city service.

Multiplicity of Departments

There should not be too many departments. One reason for this is that the chief administrative officer should know what is going on in the organization as a result of his contact with department heads. If there are a great many department heads, the time available will be so divided that this contact will become superficial. A small number of department heads facilitates co-ordination and supervision, both by the manager and his staff and control agencies. The natural tendency in any organization is to drift toward an excessive number of subdivisions. This is due to the inherent desire of human beings to secure self-expression, independence, and power. Aggressiveness and egos are recognized by creating new departments. Lay pressure groups also want their particular interests to have the autonomy and prestige of a separate department. It is difficult to say how many departments a city should have. A safe statement would be that when they exceed fifteen there should be a reappraisal.

Single-Headed Departments Favored

In general, single-headed departments are favored over boards and commissions. Board administration in the United States has led frequently to an unfortunate confusion of the true rôle of the layman in administration. Lay commissioners have not been content to deliberate on policy matters, act as buffers to administration, and maintain that desirable balance of popular control which leaves the administrator a considerable degree of freedom in his own sphere. Instead, board members have, too often, insisted on actually administering affairs themselves, making the professional and technical staffs mere automatons and obedient errand boys. Too often this has been done for purely selfish and political objectives, but not always. Very frequently, sincere people of unquestionable intentions have pushed the professional administrator aside merely to satisfy their own yearning for self-expression. Appointees to municipal boards and commissions normally are not persons of exceptional attainments,

and a considerable proportion of them is mediocre. This is especially true of those boards which are subject to tremendous pressures, namely, police and civil service boards. On the other hand, such activities as libraries, recreation, and parks seem to be able to secure commissioners of more than ordinary ability.

The principal argument for single-headed departments is that they permit direct co-ordination through the chief administrative officer's control of his department heads. If, on the other hand, the departments are headed by lay boards, the chief administrative officer is deprived of direct administrative control. He must deal with boards over which he does not have control. This is true even of a mayor who has appointed the commissioners himself. If he does possess control, it is political rather than administrative in nature. In the interests of effective management, advisory boards would be more desirable. Then the department heads would be subject to the immediate direction of the chief administrative officer. Each department would have a lay board to meet with the department head periodically to listen to his troubles, render advice, support him before the public if he deserved it, and inform the public of his shortcomings if any. Such a board would have no administrative control over the department.

The blanket condemnation of boards set forth at the beginning of this section should be mitigated and modified. It was made for the sake of emphasis, and such emphasis is justified in view of the American charter makers' predilection for desiccating the unity of administration by the excessive utilization of boards. Nevertheless, there are justifiable uses for these agencies. Probably the schools should continue to be under separate boards so long as their patrons are not in agreement as to their manner of operation and so long as educators continue to distrust the general city government. Public commercial ventures should have boards for two reasons. The first is that they should be regarded as public corporations requiring their own boards of directors.⁸ The second is that the expansion of municipal

⁸ Marshall E. Dimock, *Government-Operated Enterprises in the Panama Canal Zone* (The University of Chicago Press, Chicago, 1934), Ch. IX, pp. 191-211; Same author, "Public Corporations and Business Enterprise," *Public Administration* (October, 1936), Vol. XIV, p. 417 ff.; John McDiarmid, *Government Corporations and Federal Funds* (The University of Chicago Press, Chicago, 1938), 244 pp.

ownership is a political issue, and a board is needed to act as a buffer between the public and the management. There are cases in a municipality where a board is desirable for the exercise of quasi-judicial and quasi-legislative power. Examples are civil service commissions, zoning boards of appeals, and municipal art commissions.

There is little reason, however, for having commissions in control of such departments as police,⁹ public works, fire, and health. These are the big spenders. They need managerial coordination. Their techniques and procedures are well settled. They require quick action and mobility in the interest of the public safety. Hence, they should be headed by responsible heads, preferably professionals, directly under the chief administrative officer.

The case is not quite so clear in what might be termed the cultural functions: library, parks, and recreation. In general, the workers in these fields desire their own independent boards. In many instances splendid library and park systems have been built up through the efforts of high-minded lay leaders. In some cases they have been able to serve for periods of twenty years or more. One should hesitate to advocate the abolition of such boards. Yet there is nothing sacred or inherent in park or library administration that requires boards. The ultimate answer would seem to be to make such boards advisory, and place the department heads under the chief administrative officer.

The welfare people also want their own independent board. This is probably a carry-over from the recent past when welfare was predominantly administered by private agencies, each with its own lay board. Forced by circumstances beyond their control into the arena of public administration, the welfare groups have feared the vicissitudes of politics. Here again the advisory board would seem to be the most satisfactory solution.

Professional Department Heads

Some of the integrationists would have the terms of department heads coterminous with the political chief executive. This

⁹ Raymond B. Fosdick, *American Police Systems* (D. Appleton-Century Co., New York, 1920), pp. 103-107.

would mean that under a strong mayor form the terms of department heads would end with that of the mayor and that the new head of the city could, if he chose, appoint all new department heads. The theory behind this is that a newly elected mayor should have the whole-hearted support of his principal subordinates at the outset. They should be individuals who are in sympathy with his outlook and aims.

There is a great deal of merit to this point of view as applied to state and national administration.¹⁰ However, it has less cogency in the municipal field. Ordinarily the health officer, the city engineer, the superintendent of the water works, and other municipal department heads should be qualified professionals. It is wrong to expect the best professional talent to run the gantlet of political selection every four years, even to be required to campaign openly and aggressively for an incumbent mayor. The professional city managers do not require or expect this. They quite universally leave the department heads undisturbed when entering a new city. If weakness is found in those positions there is an honest and sincere attempt to bolster or salvage the situation before making a change. Such changes in headships as occur are merely those that should have been made in the normal course of events irrespective of the régime in power.¹¹

As a matter of fact, there is little reason why municipal department heads should not be chosen and hold their offices under civil service rules. This statement is made advisedly after some years of observing the merit system applied to the department heads of Los Angeles County. There all department heads, excepting the three elective officers, are under civil service. Professional and student observers frequently remark at the high order of professional attainment, administrative competence, and integrity demonstrated by the department heads of Los Angeles County.

It is sometimes argued that there must be some patronage for the political officers to dispense to their campaign workers; that

¹⁰ A. E. Buck, *The Reorganization of State Governments in the United States* (National Municipal League, 1938), pp. 18-19.

¹¹ This observation is based on some years of association with the better city managers, watching them work in new situations. Very frequently hostile and seemingly mediocre department heads are transformed in spirit and action and demonstrate administrative ability not heretofore thought within their capabilities.

American democracy relies upon the party system, which in turn relies upon the spoils of office to keep it going. This is a fallacy which should be blasted before its cancerous growth goes farther on its malignant way. If American democracy is based on loot, its foundations are dangerously weak. It has been proven quite definitely that citizens actuated only by the highest civic motives can organize in the interests of professional public administration. Witness the regeneration of Cincinnati in 1926 and of Long Beach in 1934. In each of these cases professional city managers entered the scene, supported by citizen groups pledged to refrain from taking the spoils of office.

The day-to-day work of municipal government is predominantly technical and professional in nature. Hence, department heads should normally be chosen and retained in office on the basis of their competence and ability to handle the administrative tasks. Probably there should be greater opportunity for changing the directing heads of departments particularly subjected to political pressure. For instance, municipal elections frequently hinge upon the question of a "wide open" or "closed" city. This refers, of course, to the aggressiveness which the police should have in enforcing the laws against vice. In cities where this is a dominant issue, it might be well to provide some flexibility in the tenure of the head of the police department. This would permit the incoming administration to have its own police head in case it is pledged to reverse the existing status as to the enforcement of the sumptuary laws. Normally, however, department heads should be selected on a merit basis and enjoy a tenure contingent upon a continued meritorious performance. There is nothing in American democracy which runs counter to this premise.

Co-ordination Without Integration

The weak types of city government are the commission (Galveston and Des Moines Plans), the weak mayor (Milwaukee), and what the present writer has designated as the no-executive.¹² The latter is found for the most part in small cities and counties

¹² John M. Pfiffner, *Public Administration* (The Ronald Press Co., New York, 1935), pp. 34-35.

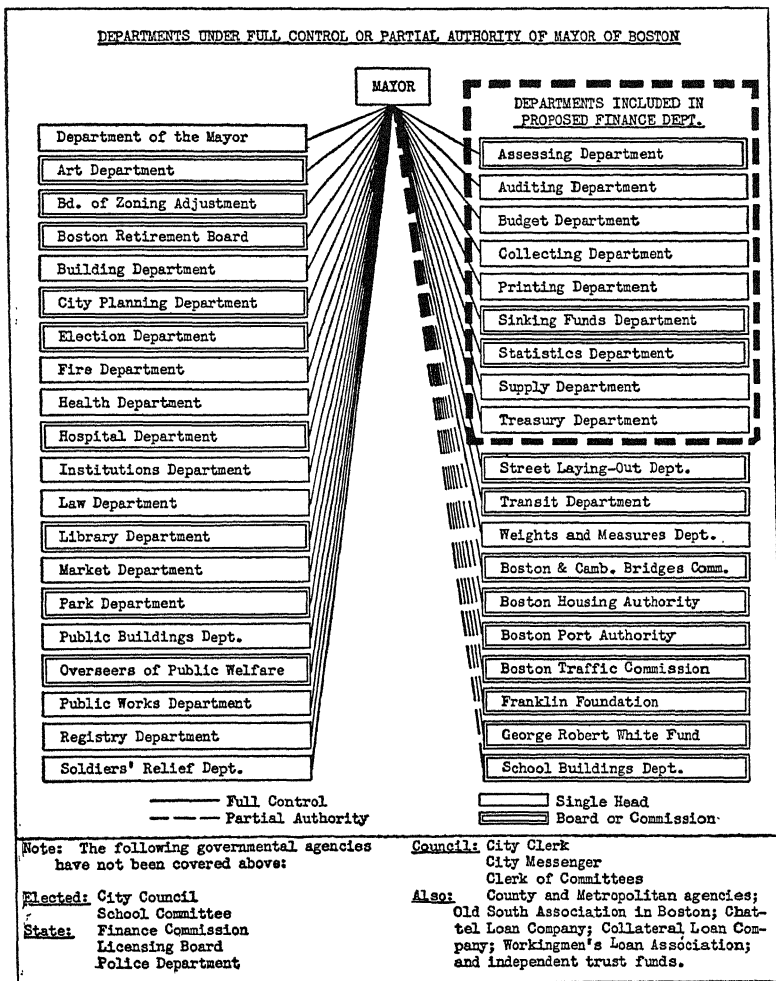


Figure 3. Chart of a City with a *Strong-Mayor* Form of Organization—
a kind of integrated structure

(From Report, Boston Municipal Research Bureau, October, 1937, p. 4.)

where the governing body deals directly with the administrative departments, there being no intervening co-ordinating authority.

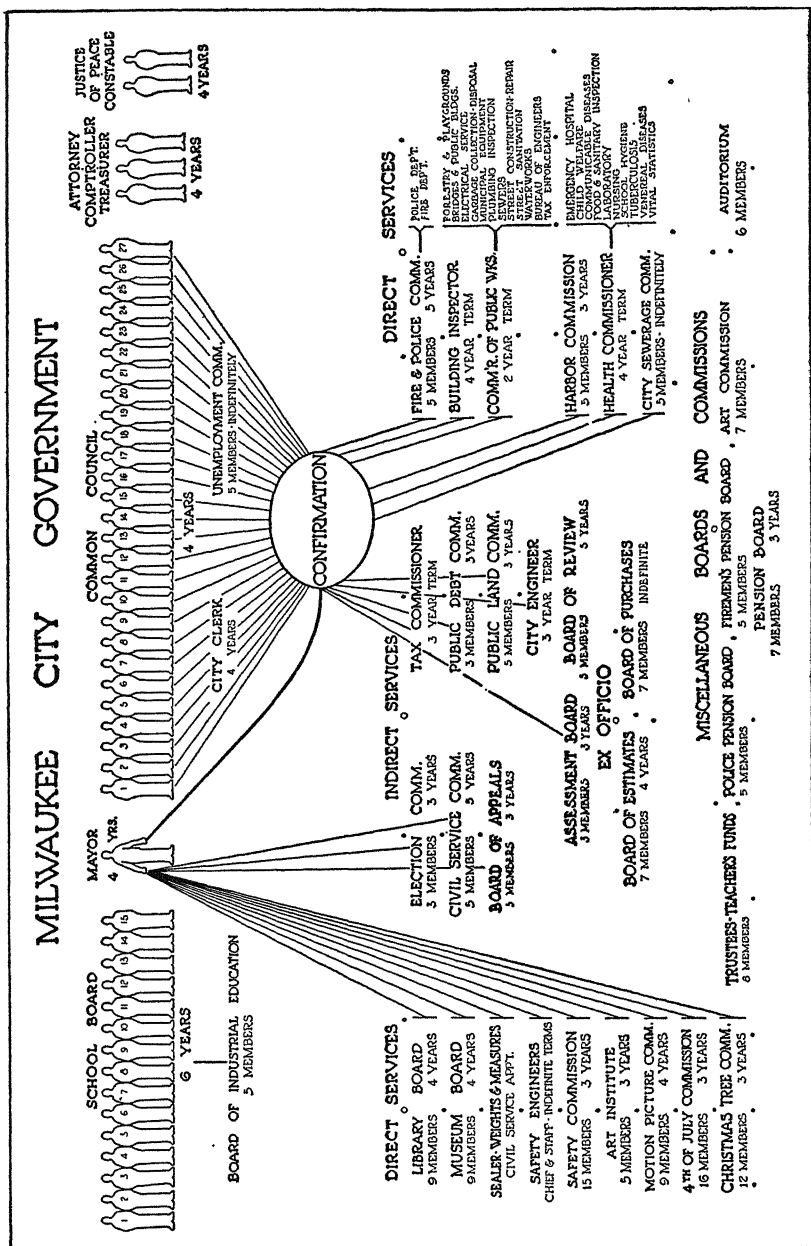
A considerable degree of co-ordination can be achieved on a personal basis under the old disintegrated charters. During the last quarter century, for example, Milwaukee has given the nation a splendid example of honest government based on competent administration, although that city has a very weak charter. The personal influence of Daniel W. Hoan is largely responsible for administrative co-ordination in Milwaukee. It is a co-ordination based not on the streamlined integrated organization favored by most students of municipal administration. Rather is it accomplished through the example of a great democrat and humanitarian who believes that somehow people will take the right action if they get together and talk it out. Thus in Milwaukee one will find the major problems approached through interdepartmental committees. The fact-finding approach will be served by the municipal reference librarian who is secretary to these committees.¹³ A civil service organization, administered for several decades in accordance with the spirit of the merit system, has brought a group of high type administrative and technical personnel into the city service. Combined with an intelligent and alert citizenry, bolstered by the Wisconsin progressive outlook, these circumstances at least partially account for Milwaukee's splendid administrative achievement. This does not mean, however, that Milwaukee is an argument against the desirability of city managers and strong mayors. That city has achieved good administration in spite of her charter and not because of it. Mayor Hoan admits this himself.¹⁴

Departmental Liaison

Management is a unified process. The municipality is a unit with the cells very much interrelated. However, there seems to be a tendency for the various municipal functions to specialize excessively and to regard themselves as entitled to be treated as

¹³ Richard E. Krug, "City Hall Libraries as Administrative Aids," *Public Management* (March, 1935), Vol. XVII, pp. 73-76.

¹⁴ Mayor Hoan is a severe critic of the Milwaukee charter; he would modernize it. See his *City Government* (Harcourt, Brace & Co., Inc., New York, 1936), pp. 70, 330-332.

Figure 4. Chart of a City with a *Weak-Mayor* Form of Organization

individualities. This is peculiarly true of huge cities where administrative units get so large that they acquire a certain impersonal aspect. It is when this characteristic appears that management devices should be brought into play to see that the various municipal subunits are working in harmony and not at cross-purposes.

In a well-run city the various departments should be aware of each other. One should know in a general way what the other is doing. As to those activities where departments cross each other, such as police, recreation, welfare, and the juvenile court, as to juvenile delinquency, they should know specifically what the other is doing. There are certain liaison devices which are helpful in this respect.

THE CHIEF ADMINISTRATIVE OFFICER. The office of the mayor or manager should be fully informed as to the progress of work and true status of affairs in all departments. This information should come through automatically and in accordance with an established routine. A proper system of administrative reporting will facilitate matters. The chief administrative officer should arrange his work so that ample time will be available for conferences with department heads, both individually and collectively. He should also have, in his own office, such subordinates as are necessary to maintain a wide range of personal contacts with departments which he is unable to carry on himself. Such subordinates may be known as assistant managers, executive assistants, special secretaries, or deputies. The form and name may vary from place to place, but the executive offices must provide for such contacts. The chief administrative officer should also rely heavily on the budget staff agency for an independent view of the status of affairs in the several departments. The central executive office should see, know, and understand the municipal management process, both as a whole and as to its compartments. Such knowledge should enable it to take action in the interest of co-ordination, harmony, and economy.

THE CONFERENCE. The conference method of liaison seems to be adaptable to many aspects of municipal management. By means of this device, departmental officers meet with the chief

administrative officer. Probably he has just come from a meeting of the governing body where a new policy has been laid down. He then proceeds to explain this policy fully, after which discussion ensues, probably culminating in a plan of action. The departmental representatives then go back and hold similar conferences with their key men, who in turn carry these conferences on down the hierarchy until the lowest worker is aware of the change of policy and the consequent line of action to be taken. There has developed a definite technique of conducting these conferences, which is capable of being taught. It would seem to be a valuable tool of management.¹⁵

Municipal executives are not inclined to formalize their conference procedure to the extent outlined by the writers on the subject. As a matter of fact, many city managers would say that they do not hold staff conferences at all. What they mean is that they do not set aside a certain time each week for all department heads to confer with the manager collectively. The principle of the conference method is undoubtedly followed informally by many. Although these meetings may be very effective, there is always present the feeling on the part of some department heads that valuable time is being taken from their pressing departmental duties. They believe that while it is important that they be cognizant of what other departments are doing, yet it is more important that they devote sufficient time to keeping their own organizations functioning properly.

The conference method is frequently applied to interdepartmental committees established to study and report on specific problems of common interest to several departments. In Milwaukee, the work of such committees is co-ordinated through the secretaryship of the municipal librarian.

Assistance is given in the drafting of communications, reports, and other written documents where either a literary style or exact language is demanded. The most complete service in this direction is the appointment of the librarian as secretary to various committees. Within the last three years the librarian

¹⁵ Glen U. Cleeton and Charles W. Mason, *Executive Ability, Its Discovery and Development* (The Antioch Press Co., Yellow Springs, Ohio, 1934), pp. 117-120, 169-170.

has been secretary to eleven committees which entailed not only reference, research, and reporting work but also the preparation of memoranda, agenda, and the drafting of resolutions and ordinances.¹⁶

ADMINISTRATIVE REPORTS. One of the most important means toward informing one city department what another is doing is a well-ordered system of administrative reporting. Such a system should be based on a plan of reports running in consecutive order from the lowest worker in the hierarchy to the manager or mayor at the top. A truck driver in the park department makes out his daily report of miles traveled, tons hauled, gasoline and oil used. The city garage prepares an inspection report on the same vehicle when it comes in for semi-monthly service. If repairs are ordered the mechanic will prepare his labor and material statements, and all of these will be entered on cost accounts maintained in the yard superintendent's office. These in turn will be tied into the control accounts in the city's general accounting office. The park superintendent will receive periodic reports of the unit costs of the motor equipment under his supervision. When budget matters come up again for consideration, there will be accurate records showing the cost of operating the several pieces. The cost and depreciation status of our park department truck will be at the fingertips of the city manager, the park superintendent, the department of public works, the budget agency, and the general accounting office. This information will be tied into a statistical summary of all of the city's motor vehicle experience for a specific period—a year, month, or depreciation span. Throughout the various departments, statistical summaries and comparisons will be prepared. These will be furnished both to the chief administrative officer and the departments concerned. Thus, through administrative reporting, cost accounting, and statistical services, one part of the city will learn what the other is doing. Departmental liaison will be facilitated.¹⁷

¹⁶ R. E. Krug, "City Hall Libraries as Administrative Aids," *loc. cit.*

¹⁷ See the record system outlined in *Manual of Public Works Records and Administrative Practice for Cities of 50,000 to 200,000 Population as Installed in Troy, New York* (International Association of Public Works Officials, Committee on Uniform Street and Sanitation Records and the New York State Conference of Mayors and Other Municipal Officials, Chicago, 1932), mimeographed, 102 pp.

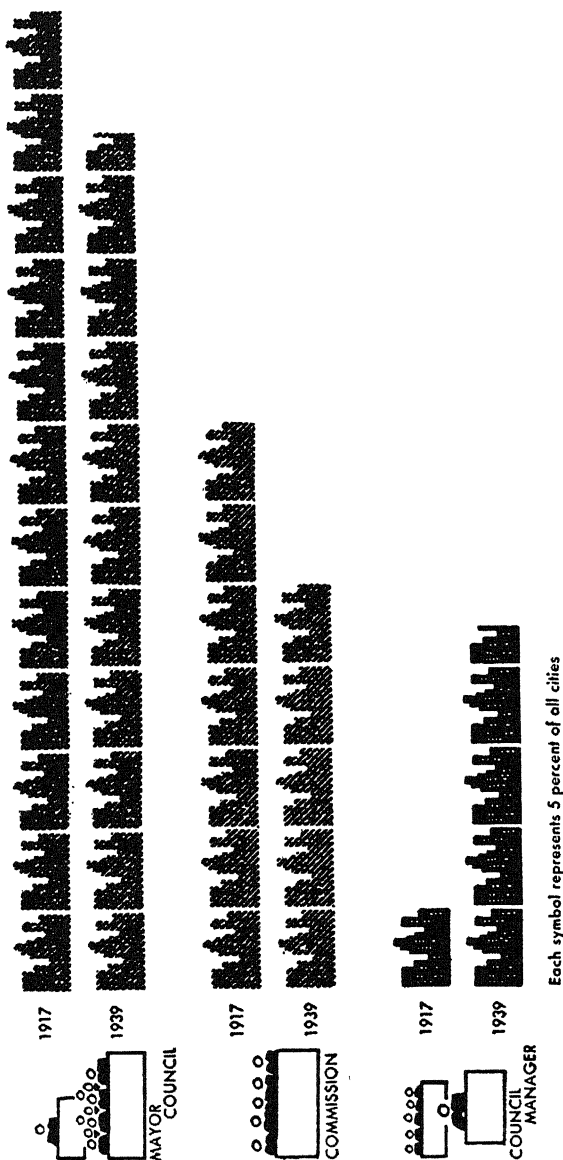


Figure 5. Forms of Government of American Cities (Over 30,000 population)

(Reproduced from *Forms of Municipal Government, How Have They Worked?* National Municipal League, New York, 1939, inside front cover.)

Is the Integrated Structure Practical?

It need not be denied that there occasionally arises a high degree of administrative performance in a particular city without a modern charter. It is also impossible to gainsay that good charter organization in itself has failed to bring superior administration to cities such as Kansas City with its city manager and Boston with its strong mayor. However, the fact remains that on the whole the new management techniques, moving in the direction of integration, have been an important factor in the recent improvement of municipal administration. These new management techniques have been directed largely toward securing co-ordination. They seek to see the city operated as a unit, each separate department being articulated into a co-ordinated whole. This is not for the purpose of subordinating any particular activities, but rather to prevent duplication and overlapping as well as to promote efficiency and economy. But co-ordination cannot be valued in terms of money alone; it also builds more service for the same expenditure by getting departments to unite in attacking problems with which more than one is concerned.

There are those who favor the council-manager form of government for small and medium-sized cities, but who have sincere doubts as to its availability for the metropolis in the million population class. These doubts are actuated by two considerations, one political and the other managerial. The former is the feeling that the council-manager form lacks a single political officer who can be looked to by the electors of a polyglot and conglomerate urban area for political leadership. In other words, political leadership is not concentrated in a mayor. This is said to be much less serious in a small town than in the large metropolis where the impersonal nature of human relationships requires a focussed political leadership. Some who feel this way would favor for the larger cities the San Francisco plan of a chief administrative officer directly under the mayor. This would leave the mayor free to take care of essential political duties. The people could hold a single well-publicized individual responsible for the conduct of administration and look to him for political leadership. At the same time, the administrative functions would carry on under the constant direction of a

trained and professional administrator whose tenure would be unaffected by political vicissitudes. There is some merit in these contentions, although not sufficient to discourage experimentation with the council-manager idea in large cities.

The second objection to having a council-controlled manager for large cities is that the task is too great for one man. This is a problem subject to perennial discussion by students of management. Is there a point beyond which an enterprise cannot expand without incurring increasing costs? Is there an optimum management unit which represents the maximum in bigness for economical management? There is no ready answer. Furthermore, if we had such an answer it would have merely academic value, for we have our great cities and we are not going to reduce them in size. Such being the case, the sensible thing to do would seem to have them adopt the best management devices. When these great cities are politically ready for it, they should experiment with the council-manager idea. If it does not work it will be because of political reasons and not because one man is incapable of envisaging the management problems. A trained and experienced manager, if given sufficient leeway to mold his organization and work-flow, could well know what is happening in New York City. He could not do it if he had to spend all of his time "repairing political fences." That is why the large cities should not experiment with city managers until the political groundwork for them has been well laid.¹⁸

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CHAPTER III

THE GOVERNING BODY

Every public corporation or quasi-corporation has a governing body. This is a lay group, usually elective in full-fledged municipal corporations, but sometimes appointive in special districts. On the governing body devolves the duty of approving plans and policies for carrying out the functions with which it is charged by law. It has the further duty of satisfying itself and the public at large that its operations are being conducted with dispatch, economy, and fidelity. In other words, the governing body exercises the political functions of the corporation; it determines policy and ascertains that it is properly carried out. In doing so, it should not step over into the field of the administrator. The violation of this principle is responsible for a large share of our municipal difficulties.

The Council as Administrator

While the City Council is a Legislative body, and excepting for finance, it is not supposed to have any executive duties, actually, under conditions that now exist, the City Council really does run the city. Basically it should not do so, but because of its willingness to take the responsibility on controversial questions the City Council, through its various committees, exercises directive powers which in many ways are a usurpation of the duties of the Administrative Department of the City.¹

The above quotation states clearly and accurately the conflict between theory and practice as to the city council's rôle in the municipal scheme. Written by an ex-member of the city council of Evanston, Illinois, the words take on an added significance.

¹ Herbert S. Simpson, *Comments of an Ex-Alderman* (Privately printed, Evanston, Illinois, 1935), p. 3.

Theoretically the city council should be a policy-determining and auditing body, with no hand in administration. Actually, whether administrators are willing to admit it or not, a very large proportion of the administrative determinations are made in the council chamber. To be sure, this is more true under the weak forms than under the strong. Nevertheless, the governing body plays an important part in administration even in most council-manager cities. The ideal is a city council composed of lay citizens who meet with and advise the manager for an hour once a week. Then after everyone has expressed his satisfaction amid brief felicitations, they all go home for another week and let the manager run the city free from the irritations resulting from the excessive nosiness of councilmen. But it doesn't happen that way in practice.

City councils are made up of people; they are fair cross-sections of the population. People are actuated by thousands of motivations which cannot help but have repercussions on the administrative operations of the city. One council member may have been frustrated in his life ambition and takes this opportunity for self-expression. Another is a self-made man who inherently distrusts the technicians in the administrative service. Still another regards his aldermanic term as a stepping stone to higher positions in life. One may be a strong and aggressive personality, a real civic leader whose personal career lies elsewhere, but who derives a certain satisfaction from his aldermanic duties. The realization that the council is going to have considerable to say about the administration, whether it should or not, is responsible for the appearance of a chapter on the governing body in this book on administration and management.

Its Relation to Management

The council's relation to management varies with the form of municipal government. Under the no-executive and weaker mayor-council forms the council exercises practically all directing administrative powers. In addition to a minute supervision of financial details, it appoints the department heads, and frequently their subordinates. Through the operation of the committee system, the council may exercise, to a considerable extent, actual

supervision of departmental operations. Under the commission form the members of the council are also heads of administrative departments. Under these systems the distinction between politics and administration is not recognized in theory and, too often, it is all but ignored in practice.

STRONG-MAYOR FORMS. Under the strong forms the council is supposed to confine itself to legislative duties, leaving the direction of administration to the chief administrative officer, whether he be mayor or manager.² In the smaller cities the mayor is frequently the presiding officer of the council, sometimes a member with a vote. In the larger places, however, his contact with the council is less likely to be direct or personal. It will take the form of messages and communications, personal conferences with individual councilmen, or between his and their representatives. These contacts are very likely to take the channels offered by mutual political jockeying. They will often be actuated by the application of political pressures, one upon the other.

COUNCIL-MANAGER FORM. The contact between the council and the manager, on the other hand, should be open, personal, direct, and above-board in every respect. The manager is the council's servant. As such he should keep it fully informed, seek its advice, and follow the policy laid down by it. If he should feel that he lacks the confidence of the council he should try to reconcile the differences. If this is impossible, or if the conduct required is not worthy of a manager, he should resign. The manager should be careful to see that his relations are with the whole council and not with individual members. Too intimate association with any one member may lead to jealousy and distrust on the part of the other councilmen. The manager should be present at all council meetings. He should have the power to participate in discussion, but he should exercise it with great tact and discretion. It is really he, rather than the city clerk, who should prepare the agenda for council meetings and see that council procedure is carried on in accordance with a plan. He should participate in the formulation of policy matters and give

² Consult Edwin A. Cottrell, "City Council Organization," *Public Management* (April, 1935), Vol. XVII, p. 95.

his professional and technical advice thereon. He should even initiate the consideration of policy questions which vitally affect the administration of the city. But he should be very reluctant to become an advocate outside the council chamber. It is not the manager's rôle to become a leader of public opinion. When he essays this part he steps over the line separating administration from politics, which is a hazardous path for any administrator to follow.³

These obligations of the manager to the council are extremely important. Yet council-manager government cannot operate unless the governing body reciprocates by permitting the manager to function as chief administrative officer in fact as well as in name. In the first place, the council should have absolutely no part in the selection of the manager's subordinates. Some city charters go so far as to make it a criminal offense for a councilman even to suggest the name of a candidate for a position. The idea is, of course, to shield the manager from spoils influences, and to see that he will not have to accomplish results by means of a personnel whose qualifications are predominantly political. This same abstention from participating in purely administrative matters should be observed by the council in all other aspects of the city's business. Some managers have solved their relationship with the council by framing a written statement of the division of functions between them. Whether written or not, the manager should be an individual with sufficient strength to achieve an understanding with the council on these points. That understanding might be the result of mutual sparring to feel out how far the one will let the other go. This sparring need not be indicative of distrust on either side. It is simply the way people have of finding out how things stand. A strong manager will convey the impression that he intends to be chief administrative officer in fact as well as in name. He will accomplish this through his bearing and the manner of conducting his business, without braggadocio and without the unnecessary ruffling of feathers.

³ Leonard D. White, *The City Manager* (The University of Chicago Press, Chicago, 1927), pp. 171-231. See city managers' code of ethics in Clarence E. Ridley and Orin F. Nolting, *The City-Manager Profession* (The University of Chicago Press, Chicago, 1934), pp. 125-126.

City Council Procedure

MEETINGS. The city council or governing body must meet as such in order to act officially. It exists only as an entity, not as a number of individuals. These meetings are of three types: (1) regular or stated; (2) special or called; and (3) adjourned. A stated meeting is the regular meeting, the time for which is frequently specified in the charter. In order to make a special meeting valid each member must receive adequate notice thereof, a step not usually required for stated meetings.⁴ An adjourned meeting is the continuation of a regular or special meeting at some later time which has been fixed by a majority vote before adjournment. An adjournment without fixing the time of reconvening does not preserve the official status of the meeting which has been concluded. It was the common law rule, still generally followed, that a majority of the members constituted a quorum legally capable of transacting business. The weight of authority would seem to be that a majority of those present is not required to pass a measure, but a majority of those voting, provided a quorum is present.⁵ A council has no implied power to require a greater number than a majority for a quorum. These general rules are applicable, of course, only in case there are no statutory or charter provisions to the contrary.

In practice it is common for governing bodies to hold a "pre-session," often referred to both facetiously and critically as the "star chamber" session. This constitutes an informal get-together of the council members, in a room adjacent to the council chamber, immediately preceding the time set for the regular session. Here the items on the agenda are discussed free from the stultifying presence of pressure groups. The members are informed by the presentation of facts and opinions which never could be brought out in open meeting. When matters on the agenda are eventually brought up in open meeting the council is informed as to their import. Opportunity to voice their opinions is given to all sides. As a result of the pre-

⁴ For digests of the law relative to council meetings consult Eugene McQuillin, *The Law of Municipal Corporations* (Callaghan & Co., Chicago, 1928), 2nd ed., Vol. II, Sec. 602. Also 19 *Ruling Case Law* 884-890.

⁵ 19 *Ruling Case Law* 890-891.

session, however, the individual councilmen know how they want to act on the vast majority of non-controversial business. This enables the open meeting to be conducted with much more facility and dispatch than otherwise. There are those who object to the pre-session on the ground that it is undemocratic, as is indicated by the appellation "star chamber." However, no legally binding action is taken at this meeting. No record of decisions or minutes are kept. Such a pre-session has absolutely no legal status so far as obligating the city to a course of action is concerned. It is difficult to see how it could be prevented by legal provisions to the contrary, for it is the most natural thing for individuals to congregate informally to discuss matters of mutual interest. That is all that the pre-session is.

Council meetings should be conducted in accordance with a pre-arranged plan, usually known as the agenda. This order of business need not go into meticulous detail; an enumeration of the main divisions of matters, conveniently classified and in proper order, is sufficient. In cities having a manager it should be prepared by him, elsewhere by the council's clerk. It should be one of the manager's most important tasks to organize council business so as to facilitate action. On the proper handling of this matter may depend whether the council confines itself to its true sphere of policy deliberation, or whether it spends interminable hours haggling over administrative details.

In the absence of statutory or charter provision to the contrary, a city council may adopt its own rules of procedure. Such rules may provide for a substantial degree of informality. Ordinarily a council's action will not be held invalid for failure to recognize the parliamentary niceties. The main objective is to see that the will of the council is expressed and properly recorded. However, it is customary for councils to observe the essential points of commonly accepted parliamentary procedure.⁶ Suspension of the rules by an extraordinary majority is often permitted, thus opening the way for the introduction and passage of a measure on the same day. This, of course, violates the principle followed by most legislative bodies of three separate readings on three different days. In any case, reading by title should suffice

⁶ McQuillin, *op. cit.*, Sec. 636.

when written or printed copies of the measure have been furnished to members. When the charter or statutes specify particular phases of procedure to be followed, they may not be ignored with impunity.⁷

COUNCIL COMMITTEES. It is customary for city councils to work through committees in the same manner as Congress and state legislatures. The council committees constitute the very keystone of English local government, where they very frequently exercise administrative powers similar to those of our independent boards.⁸ The committees are composed of several members each and to them are referred matters relating to a limited field of activity. Thus there may be committees on finance, police, fire, water, civil service, and many others. American committees do not have final power to act, as do some British committees.

A fairly accurate generalization would be that committees are useful and probably necessary under the weaker forms of organization, but that under the strong forms they become less necessary and desirable. The reason for the latter is that the strong forms depend for their successful operation on observing the distinction between politics and administration. Where detailed administrative matters are referred to council committees, this important distinction is likely to be violated. Committees may devote a great deal of time to trivial and technical points not suited to their deliberation. While to the casual observer this may seem to be harmless, it may actually affect the tone and spirit of administration in a decidedly adverse way. This is because the administrators will regard it as advisable to wait for committee action on all administrative questions. Such a situation will deprive administration of that flexibility of action so vital to its proper conduct; it will breed a set of sycophants rather than of strong and self-reliant men. Such an eventuality would be unfortunate for the future development of American public administration.

⁷ Emmett L. Bennett, "Legislative Procedure of City Councils," *Public Management* (July, 1935), Vol. XVII, pp. 199-205.

⁸ Herman Finer, *English Local Government* (Columbia University Press, New York, 1934), pp. 211-246; E. D. Simon, *A City Council From Within* (Longmans, Green & Co., Ltd., London, 1926), 246 pp.

Probably the best current thought on the committee system is stated by Edwin A. Cottrell, who was for many years council member and mayor at Palo Alto.

Under council-manager government, committees of the council are undesirable, inasmuch as the manager is entirely responsible for administration and the council is generally required to deal with the administration only through this officer. Proposals are usually referred to the manager and his department heads for analysis and report. In some instances functional committees are used in council-manager government, for their educational effect, but this practice is not sanctioned by the majority of city managers. In council-manager cities where the council is large (which is not generally the case) committees may be desirable in order to expedite legislative business, but every effort should be made to restrain such committees from interfering with administrative details.

Under the weak-mayor plan a theoretical justification for council committees lies in the fact that the council is partially responsible for administration and may be functionally organized for that purpose. Under the strong-mayor plan the mayor occupies much the same administrative position as the city manager, and council committees become undesirable except in the large councils. The large council becomes too unwieldy as a legislative body to be able to transact business effectively without the use of committees to give preliminary consideration to proposed measures and to report on them to the larger body.⁹

FORM OF ACTION. If a specific form of action is required by charter or law, such form must be substantially followed. However, in the absence of legal provisions to the contrary, a great deal of leeway will be permitted to city councils as to the form their actions should take. It is ordinarily sufficient for the minutes to show that a particular action was taken. When no mode of procedure is specified, action may take any form which clearly expresses the will of the members. This may be by roll call, ayes or noes, by resolution, by the adoption of a verbal

⁹ Edwin A. Cottrell, "City Council Organization," *Public Management* (April, 1935), Vol. XVII, pp. 95, 97. Also consult Leonard D. White, *The City Manager* (The University of Chicago Press, Chicago, 1927), p. 204.

motion, or in some other manner. Departure from a prescribed form of procedure will not render an action invalid unless there is a specific clause declaring action null and void if the form is not followed. City council proceedings are designed to accomplish one thing, that is, to arrive at the will of the membership by the simplest and most expeditious route. Centuries of experience in this respect have tolerated a great deal of informality.¹⁰

Action by a city council may take the form of a simple motion, a resolution, or an ordinance. A municipal corporation cannot accomplish by resolution that which the charter requires to be done by ordinance. Further than this it would seem that a hard and fast boundary line cannot be drawn. It would seem, in general, that permanent action, truly legislative in nature, should take the form of an ordinance. On the other hand, something of a transitory or momentary consequence, or of a purely ministerial nature, can be accomplished by resolution. Harvey Walker has expressed the distinction quite aptly:

The most usual distinction between ordinances and resolutions is that the former are intended to state a more or less permanent policy, general in scope and perhaps applicable to the regulation of the conduct of individual citizens, while the latter are often temporary or apply only to the conduct of officers or employees of the city. Thus a building code would normally be adopted in the form of an ordinance while a decision to proceed with the paving of a particular street would be in the form of a resolution. The city manager might be asked by a simple motion to secure information for the council on the necessity of building a new sewer line.¹¹

RECORDS AND MINUTES. The action taken by a governing body should be properly set forth and preserved in a book of records commonly known as minutes. Every deliberative body in local government should keep such minutes, whether specifically required to or not. The city clerk usually performs this task for the city council. The purpose of the recorded minutes is to have a clear and unequivocal record of the council's intent and

¹⁰ McQuillin, *op. cit.*, Sec. 637.

¹¹ Harvey Walker, "Legislative Powers of City Councils," *Public Management* (May, 1935), Vol. XVII, p. 130.

action. This enables all affected thereby to proceed with certainty, avoiding controversy and litigation as to what was meant and what was done. For this reason the courts will usually hold that the authenticated minutes are the sole evidence of the action taken.¹² Stated in another way, parol or oral evidence will ordinarily not be admitted in an effort to impeach the written record of the council's intent. The courts have been lenient as to the form and completeness with which the minutes should be kept. Nevertheless, the record should be sufficiently comprehensive to show all of the material and essential facts, and that all of the mandatory charter provisions have been substantially observed. While it is probably unnecessary and undesirable to have a verbatim stenographic record, fullness is preferable to scantiness, as will be evident when litigation arises. Ordinances and resolutions are usually required to be reported in full in the minutes, the copy thus spread on the council records constituting the official and original version. All of the ordinances in effect at any particular time are usually collected and indexed in convenient form in the office of the city clerk. Sometimes these ordinances are codified and made available to the public in printed form.¹³

The City Clerk

The position of city clerk is an ancient office existing in all parts of the world where local governmental institutions are based on Anglo-Saxon heritage. In England today, the town "clark" is the most important administrative officer of the municipality. His office has gradually become the clearing house for legal advisership, clerical management, survey, co-ordination, forethought, and planning.¹⁴ In the United States the clerk has tended to become a mere clerical officer, secretary to the city

¹² Minutes are authenticated by being formally approved at a following meeting and then signed by the presiding officer. On the whole question of preparation of the minutes consult Orin F. Nolting and Josephine B. Hollingsworth, *Recording Council Action in the City Clerk's Office* (The International City Managers' Association, Chicago, 1938), mimeographed, 72 pp.

¹³ E. D. Greenman, *Codification of Ordinances* (Municipal Administration Service, New York, Pub. No. 6, 1928), 49 pp.; John F. Sly and others, *The Codification and Drafting of Ordinances for Small Towns* (Municipal Administration Service, New York, Pub. No. 29, 1932), 70 pp.

¹⁴ Finer, *op. cit.*, pp. 231-235, 260-264.

council, in large cities and all council-manager cities. In small cities under the weak forms he tends to be a very important, if not the most important, corporate official. There he will have such functions as budgetary control and accounting, issuing of licenses, registration of vital statistics, administration of election laws, and frequently the collection of taxes and revenues. However, there are certain standard activities performed by city clerks fairly uniformly throughout the United States in all cities irrespective of size or charter form.

The primary duty of the clerk is to act as secretary to the city council. His chief task in this respect will be the keeping of the minutes of that body. He should also keep up-to-the-minute copies of all city ordinances in effect at the time. The clerk's office is usually the depository for all correspondence with the council and with the municipality as a corporate entity. In other words, the clerk keeps the general correspondence files of the city, although in a council-manager city the manager's files will tend to gather much of the correspondence which would otherwise go to the clerk. Those papers which are of a documentary nature, or which might justly be classed as a part of the city's archives, will be found in the clerk's office. These include the incorporation papers or charter, the description of corporate limits with history of annexations, titles to municipally owned real estate, leases, easements, franchises, and contracts. The clerk will have to see that all records and documents are so filed that they may be easy to find and readily accessible. Continuous indexes, kept perpetually up to date, must be maintained for such items as the council minutes and ordinances. One city clerk refers to the indexing function thus:

Indexing, which constitutes the bulk of the work in this office, is of prime importance in that it is the aim of the clerk to expedite all matters so that a ready reference may be made to any ordinance sought by the courts, the local attorneys, and interested citizens. As an example, the sixty-eight ordinances passed during the year were indexed under two hundred and eighty-three different headings.¹⁵

¹⁵ *Civic Report of the City of Dayton for the Year 1934* (Dayton, Ohio, 1935), p. 10.

The city clerk should be an appointive, never an elective, officer. It is a routine administrative office with practically no part in policy formulation. The clerk should be trained and experienced in office management and filing systems. He should have a disposition toward orderliness and neatness and be capable of hiring and managing a clerical staff. Ordinarily the clerk will be appointed by the council, although there are instances where the manager makes the appointment, not without success. The city clerkship should be regarded as a career position, coming under the complete operation of civil service regulations.

The City Attorney

Every American city has at least one attorney to attend to the legal business of the municipality. He is most generally referred to as the city attorney, although the title of corporation counsel is quite widely used. In the smaller cities he may be retained on a part-time basis. However, when a city begins to get out of the village class it will usually require a full-time attorney, and in the larger places he will need a number of deputies, sometimes scores of them. Thus there are approximately seventy-five lawyers employed by the corporation counsel of Chicago.¹⁶

It is the duty of the city attorney to act as the attorney on all city business. These duties include, of course, representing the city in lawsuits where it may be either plaintiff or defendant. A huge portion of such litigation is composed of actions for money damages brought by persons who claim injury as the result of negligent operation of a municipal service. This type of legal action, known as tort liability suits, seems to be increasing at an alarming rate. A city need not be exceptionally large to have hundreds of thousands of dollars' worth of such claims constantly pending against it. From 1924 to 1933 there was an average of 599 suits per year against the City of New York. The city was required to pay average money damages of \$1,911,325 each year, or \$3,190 per case. This was in addition to the cost of litigation.¹⁷ Other types of cases handled by the city attorney

¹⁶ *Report of the Department of Law, City of Chicago, For the Year 1935*, p. 35.

¹⁷ *City of New York Law Department Annual Report 1935*, p. 5.

include a wide variety. Condemnation of land through the power of eminent domain must frequently take place. Test cases are sometimes brought to clarify doubtful and ambiguous sections of the law dealing with the city's powers.

The attorney should have many duties other than actual participation in litigation. Either he or a senior deputy should be present at all sessions of the city council to advise as to procedure and see that all action taken is in accordance with law. Ordinances introduced into the city council should be drafted or approved for form and legality by the attorney's office. A considerable share of his time will be required to render advisory opinions on legal points to the various administrative officers. While the latter are not bound to observe the advice contained therein, they almost invariably do so. This function of rendering opinions tends to make the attorney one of the most important staff officers in the city. Practically every major move in municipal management must be made in consultation with him. This means that his office must inevitably have tremendous influence in the formulation of municipal policy. The variety of work performed can best be conveyed by reproducing the following summary table from the 1935 report of the Chicago Corporation Counsel:¹⁸

- Prosecution of 145,871 quasi-criminal cases.
- Disposal of 729 civil cases.
- Preparation of 379 formal legal opinions.
- Disposal of 417 quasi-judicial proceedings.
- Preparation of 4,704 legal communications and memoranda.
- Drafting and approval of 103 state statutes and city ordinances.
- Drafting and approval of 1,689 legal documents.
- Conduct of 1,362 investigations.
- Drafting and approval of 13 administrative orders.

In some cities the prosecution of the violation of the criminal ordinances of the city is placed in the hands of the city attorney; in others there is a special officer known as the city prosecutor. In Los Angeles and Chicago the city prosecutor is directly under the city attorney. In Los Angeles he prosecutes all misdemeanors, both state and municipal, to the exclusion of the district

¹⁸ *Report of the Department of Law, City of Chicago, For the Year 1935*, p. 5.

attorney, who is confined to felony cases within the city boundaries. In New York City, on the other hand, the orthodox type of criminal misdemeanor, ordinarily coming before police courts, is prosecuted before the magistrate's courts by the district attorney's office. Nevertheless, the Corporation Counsel prosecutes violations of a number of city ordinances dealing with such matters as the building code, zoning regulations, and housing.¹⁹

A significant development was the establishment, in 1935, in the office of the Corporation Counsel of Chicago of a research division headed by a political scientist. This step indicates the extent to which the city attorney's office has become involved in administration and management as distinct from pure litigation. In explaining the establishment of this unit the Corporation Counsel states that "changes in the social scene have been so rapid and far-reaching in effect that government in every field has had to develop new methods of approach. . . . Legal practice is no longer, if it ever was, a matter of 'looking up the law.' It also involves in major respects the intelligent collection, collation, appraisal, and presentation of social, economic and other factors which underlie or bring about given legal situations." Private firms have long supported their attorneys "with data compiled by statisticians, accountants, investigators and research workers." Lack of such service in government has been largely responsible "if sometimes private attorneys appear to better advantage than lawyers who are engaged in public practice." In its first months of existence the research division engaged in three main phases of activity. These were (1) administrative problems as related to the Department of Law; (2) aid in legal research, as the indexing and digesting of codes; and (3) improvement of records and reporting.²⁰

The question often arises as to whether or not individual departments should have separate lawyers or get their legal services from the city attorney's office. In large cities there are departments having enough legal business to occupy the time of

¹⁹ Raymond Moley, *Tribunes of the People* (Yale University Press, New Haven, 1932) pp. 168-192; *City of New York Law Department Annual Report 1935*, pp. 64-72.

²⁰ *Report of the Department of Law, City of Chicago, For the Year 1935*, pp. 29-30.

one or more attorneys. The better practice would seem to be to have all of the attorneys under the city attorney. He can assign specific lawyers under his jurisdiction to the work of certain departments requiring full-time attorneys. This is the practice in Chicago, New York, and Los Angeles. In 1935, the City of Chicago combined six previously existing legal offices under the Corporation Counsel who heads a single Department of Law. This resulted in immediate economies, the elimination of confusion in the public mind, and the abolition of considerable duplication and overlapping.²¹

The manner of selecting the city attorney and his place in the administrative organization are matters subject to honest differences of opinion. Attorneys themselves usually argue that the nature of their work requires independence. They say that they are frequently required to render opinions contrary to the desire of administrative officers. If their tenure were subject to the will of a city manager they would not be free to oppose him on legal grounds when public policy demanded such action. City attorneys, in general, would rather be responsible to the council than to any administrative officer. They justify this stand on the grounds that most legal business pertains to policy and legislative matters. There also seems to be a feeling that the dignity of the profession will be subordinated if the city attorney is made responsible to the city manager. Lawyers also find civil service restrictions distasteful, as is evidenced by the frequency of exempting lawyers in civil service laws drafted by lawyers.

The first categorical declaration on this subject is that the city attorney should never be elected for the reasons previously enunciated that no administrative officer should be elected. The second is that the attorney should be selected by and responsible to the council under the weak charter forms. The third emphasizes the desirability of placing the city attorney and his entire staff in the classified civil service. This is no theoretical concept of a doctrinaire reformer. Several years of observation of civil service applied to the office of the Los Angeles County Counsel affirm this conviction.

²¹ *Ibid.*, pp. 7-11.

A recent poll of a cross-section of city managers indicates that they stand two to one in favor of placing the attorney under the manager. They argue that, contrary to a prevailing conception, the attorney's business is predominantly concerned with administration. Consequently he and the manager have much more in common than otherwise. The accusation that the attorney under the manager would have to color his opinions to suit the latter is said to be an unjustifiable slur on the integrity of both professions. It is also stated that attorneys having a status independent of the administration have sometimes refused to give the departments the legal service which circumstances required.

It is difficult to understand why the legal profession should expect any different treatment than other professional callings. The same arguments which lawyers advance for administrative independence and autonomy have been given by accountants and city clerks. Every professional group desires a distinctive status. If they all obtained it administrative organization would be chaotic and co-ordination impossible. Furthermore, the city attorney needs to be subjected to the influence of the professional administrator. Modern public administration requires flexibility of administrative powers. American public law has been based on attitudes extremely apprehensive of such power. The lawyer's education imbues him with a distrust of the administrator, too often resulting in opinions indicative of strait-laced pedantry. It would be wholesome, both for the trend of legal thought and for the education of the city manager and the attorney if these persons were to be associated administratively.

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PART II

STAFF AND HOUSEKEEPING FUNCTIONS

CHAPTER IV

ADMINISTRATIVE RESEARCH AND MANAGEMENT PLANNING

The new management ideas in government have made widespread application of the scientific approach to management problems. The scientific approach is merely the application of common sense procedure to human problems. It involves securing all obtainable facts, associating or correlating them so as to determine what they mean, and deducing the logical course of procedure therefrom. In other words, solve administrative problems by getting the facts and acting in accordance therewith. Strange as it may seem, such obvious procedure is not always easy to follow in human affairs. Scientific management in private industry did not excite general interest until the opening decade of this century. Even successful institutions tend to operate within tradition-bound channels. There is a natural inertia among human beings which resists change. It is due to such factors as respect for methods used by venerable leaders of the recent past, a disinclination to undergo the inconvenience of change even though its desirability may be realized, and the omnipresent fear that change might injure the status of persons now happily situated. Intelligent and honorable people may be actuated by these considerations.

In the field of municipal administration it is often difficult to bring about desirable reforms in administrative methods. This is due to the fact that the vested interests affected by change are very hard to overcome. Among these interests are the political machines, the beneficiaries of political privileges, those who receive protection for illicit businesses, public employee groups, and others whose livelihood depends on maintaining the status quo at the city hall. It is a well-known fact that the political type of public official is not an administrative innovator. Manage-

ment reforms must almost invariably depend on the introduction of the professional element into administration. The old political-type régime is not interested in budgetary control accounting, maintaining adequate engineering records, photostatic recording, and a police records bureau. This is partially because it does not know what they are, and partially because it is afraid of them. Probably the lion's share of the credit for breaking down this opposition to progressive reform in administrative methods is due to the research movement of the last three decades.

The Research Movement

The inception of the municipal research movement is usually credited to the organization of the New York Bureau of Municipal Research in 1905.¹ Fostered, both financially and spiritually, by a group of forward-looking citizens, it made an investigation and report on the administration of the streets of Manhattan. This so roiled Borough President Ahearn that he sued R. Fulton Cutting, chief sponsor of the Bureau, for \$100,000. A break in Tammany ranks led the mayor to appoint a young lawyer, John Purroy Mitchel, to conduct a hearing into the justification of the Bureau's charges. On the basis of the record so established, Governor Hughes, later Chief Justice of the United States Supreme Court, removed Borough President Ahearn for incompetency. Mr. Mitchel became reform mayor of New York in 1913. It must be understood that the Bureau did not participate in any political campaigns. While during these first few months it found itself and its reports attacked and subjected to derision, it soon learned that a research agency must gain the confidence and co-operation of officialdom. This the Bureau was able to achieve under Mayors McClellan, Gaynor, and Mitchel.

The work of the New York Bureau achieved widespread publicity all over the country. The thoughtful residents of the

¹ Luther Gulick, *The National Institute of Public Administration: a Progress Report* (Published by the Institute, New York, 1928), pp. 13 ff.; David Bicknell Truman, *The Educational Functions of the Municipal Research Bureaus* (The University of Chicago thesis, mimeographed, 1936), p. 5 ff. The New York Bureau of Municipal Research is now called the Institute of Public Administration and is affiliated with Columbia University.

nation's municipalities were smarting under the sting of the revelations made by such muckrakers as Lincoln Steffens.² Here in New York was a novel approach to the situation. Why had someone not thought about it before? The idea simply was to have trained experts get the facts relative to administrative situations. As far as public opinion was concerned, the facts and conclusions derived therefrom could be used in the interests of good government. The result was that the New York Bureau began in 1909 to answer calls from all over the nation to make administrative surveys and investigations. Between 1914 and 1928 it responded to such calls in fifty cities, twenty-seven counties, and more than a score of states.³ The inevitable result was a demand for the organization of research bureaus in other cities.

In 1939 there were over a hundred governmental research agencies devoting their attention primarily to municipal and local problems.⁴ One large group consists of privately supported agencies and includes the independent, citizen-financed research bureaus, as well as research units in chambers of commerce, taxpayers' associations, and other civic organizations. A second major classification includes tax-supported research agencies maintained by city and county governments. Closely related to these official research bureaus are the municipal reference libraries which appear in an increasing number of cities.

The general objectives of the better research organizations were aptly stated in a bulletin of the Bureau of Governmental Research of New Orleans dated December, 1934:⁵

1. To study the management and methods of doing business in city, parish, school and district governments.
2. To suggest and promote measures for improving the services performed by the local governments.
3. To recommend economies in public expenditures and more efficient methods of conducting our public offices.

² Lincoln Steffens, *The Shame of the Cities* (McClure, Phillips & Co., New York, 1904), 306 pp.

³ Gulick, *op. cit.*, pp. 32-34.

⁴ *A Directory of Organizations Engaged in Governmental Research* (Governmental Research Association, Chicago, revised edition annually).

⁵ On the general question of objectives, see Civic Research Institute, *Beginning a New Era* (Kansas City, Mo., 1935), pp. 14-17.

4. To give the citizens facts about governmental activities, costs, successes and failures of public enterprises, thereby producing a responsive and informed public opinion.

Privately-Supported Research Agencies

For present purposes it is sufficient to classify privately supported organizations into two categories. One may be referred to as the regular bureaus, the other as the taxpayers' associations.

Leading examples of the regular bureaus are the Cincinnati Bureau of Governmental Research, the Detroit Bureau of Governmental Research, and the Philadelphia Bureau of Municipal Research. These organizations are distinguished from taxpayers' associations chiefly by their attitude toward government. While the regular bureaus are supported by taxpayers who expect a certain *quid pro quo* in the form of smaller tax bills, nevertheless, they have not assumed that destructive animosity toward government so often apparent in other types of agencies pretending to participate in governmental research. They have been able to establish a friendly and co-operative basis with officialdom, even to the extent that administrative agencies consult them for advice and request them to make investigations and surveys. This relationship is so intimate in Cincinnati that the private bureau has virtually become *de facto* an official staff agency for the city. The objectives of this organization have been stated as follows:

The Bureau's conception of efficiency in government is not that of cutting costs at whatever expense of inadequacy in services. Its conception of true economy embraces the adoption of standards of service as high as the needs of the citizens require, the avoidance of waste in operation, and the employment of the most effective methods and facilities. The Bureau does not shrink from recommending such services as truly economical, even when prior services on lower standards have been rendered at less apparent cost.⁶

It is unfortunate that the bureaus find it difficult always to follow this standard. They are between two fires. They must sell their services to taxpayers who give them support. In order

⁶ *National Municipal Review* (May, 1936), Vol. XXV, p. 300.

to merit continued support they must demonstrate their usefulness. To do so it is very helpful to be able to point out specific economies traceable directly to studies and recommendations made by the bureau. However, in order to make such studies the bureau must have the wholehearted co-operation of the public officials. If it becomes unduly critical in its reports and publicity pamphlets it may arouse resentment which will throw obstacles in the path of its work. To be continuously successful, a safe, but frequently difficult, middle course must be steered between the Scylla of supporters who demand concrete results in tax reductions and the Charybdis of officials who resent unduly critical inquiries. That is what the better bureaus try to do. Often the bureaus find that in the beginning, officials are very apprehensive of their activities. The right kind of bureau staff can soon dispel this fear by demonstrating how it can be and intends to be helpful in solving problems of mutual interest.⁷ The bureau staff will be handicapped, however, unless its trustees and supporters permit it a good deal of freedom. If the latter assume a destructively antagonistic attitude toward governmental operations and expenditure in general, such a viewpoint cannot help but be reflected in the staff's relation with officials.

This problem is intimately related to financing the bureaus. Until the depression of the 1930's, these agencies had always depended for support on a budget raised by contributions from taxpayers and public-spirited citizens. The Governmental Research Association has this to say relative to financing bureaus :

Some are financed by a small group ; others have large memberships with annual subscriptions ranging from nominal sums to large amounts. In some cases, the taxpayers are asked to contribute a percentage of their annual tax bill (frequently one per cent).

Most research agencies have found that they can accomplish more if they do not have to carry on a continuous membership campaign. Furthermore, as a research agency frequently finds it advisable to work quietly and cooperatively with public officials it is essential that membership be restricted

⁷ *The Search for Facts in Government* (Governmental Research Association, Chicago, 1933), p. 4.

to those who have confidence in the fairness, integrity and good judgment of the governing board of the agency. If possible, therefore, a research organization should be supported by a relatively small group. It is advisable that this group shall not include those who have a direct interest in contracts or franchises granted by the government.⁸

A recent study discovered six ways of financing research bureaus. The first and most common is general solicitation among the citizens. The second method, support by a single donor, is now used by no bureau, although the budget of the Rochester Bureau of Municipal Research was supported single-handedly by George Eastman during the last years of his life. The third source of funds is by endowment and is also little used, the leading example being the income secured by the Philadelphia Bureau from the Thomas Skelton Harrison Foundation. Some organizations have received money from the Community Fund or Community Chest. Others receive a part of their income from the sale of their publications and their services. In the sixth place a bureau may be supported through affiliation with a university as the Detroit Bureau has recently related itself to Wayne University. The most common medium of support seems to be the first: direct contribution by taxpayers and citizens.⁹

What have the bureaus of municipal research done? What have they accomplished? The Rochester Bureau reports that over a twenty-year period it succeeded in having 53 per cent of its recommendations adopted. The Philadelphia Bureau claims that its studies led to the introduction of photographic recording, modern budgeting, and the abolition of current expense borrowing. In San Francisco the Bureau claims to have contributed to a reduction of taxpayers' costs, aggregating over \$16,000,000 from 1916 to 1927. The Kansas City Civic Research Institute made studies leading to the introduction of budgetary control. In the latter two cities, the bureaus were leading forces in recommending and securing the adoption of new charters. The Boston Municipal Research Bureau published the facts which resulted in savings of \$32,250,000 during its first three years of exist-

⁸ *Ibid.*, p. 3.

⁹ Truman, *op. cit.*, p. 16 ff.

ence. These organizations contribute a great deal to economy and efficiency in municipal administration.

How do they get results? Those bureaus which have been most effective have depended for results on dignified publicity for their findings. The research movement is based upon the principle that the facts, if properly disseminated, will speak for themselves. When the people once grasp the significance of the pertinent facts, they will require that action be taken in accordance therewith. However, they must be assured that the facts come from a reliable source and are unbiased. Hence, it is incumbent upon the bureau to build up a reputation for probity and fairness, combined with professional and technical competence. It should command such general respect in the community that no major step involving administrative policy will be taken without consulting the bureau's staff. To be in this position the organization must possess a high type of leadership.

The effectiveness of a bureau in getting results will depend upon the leadership of the head man, and very often, the second man. These individuals should be able to command the respect and hearing of a wide variety of civic interests. Their opinion on administrative matters should be sought by groups with as widely divergent social attitudes as are represented by the Chamber of Commerce and League of Women Voters. They should be called upon to speak before civic organizations. Their contacts should be sufficiently broad and frequent for them to become exceptionally well informed on community happenings and opinion. They should never take sides in a personal or partisan campaign, but they should not be silent when well-grounded research has shed light on local issues as distinguished from personalities.

The bureaus also provide means of publishing their opinions and findings. Most of them issue a small weekly periodical mailed to members and an additional select list. The best known of these is probably the Detroit Bureau's *Just a Minute*. It is a small leaflet, with a brief statement of some problem, conclusion, or information which is titled and written in such a manner, and with such brevity, as to catch and hold the attention of the busy recipient. Buffalo has followed with its *Just a Moment*. There are also the *Kansas City Public Affairs*, Philadelphia's

Citizen's Business, and the St. Louis *Mind Your Own Business*. In some places a good deal of the contents gets into the local press. Radio talks and addresses by staff members are other means of securing publicity for the bureau's findings.

The more extensive publications consist of survey reports, usually mimeographed, although sometimes printed. These reports are sometimes too long and technical to secure widespread popular interest, and are circulated almost exclusively among official and professional circles. However, local newspapers may publish a summary of the findings and recommendations. Furthermore, those immediately concerned are sure to be informed of the findings, and, if the facts prick, they will often be spurred to action. Information of this nature spreads much more rapidly than is ordinarily assumed. In order to encourage the professional attitude toward this type of research, the Governmental Research Association conducts an annual contest among its members for the best survey reports of the year. Competition is keen, with a surprisingly large number of entries.¹⁰ Many bureaus also accomplish results by quiet work behind the scenes with officials. It is a commonplace happening for a bureau to have the sting taken out of its attack because its important recommendations have been adopted before the report is published. It is also not uncommon for a bureau to be requested to install a new accounting system, prepare a classification of personnel, or perform some other technical function. This request may come directly from the officials themselves. Such a mutuality of confidence between bureau and officialdom is highly to be desired. Under such conditions a bureau will be able to accomplish its best results.

The Militancy Issue

The more conservative bureau chiefs take the stand that they should not become militant purveyors of publicity. Their attitude

¹⁰ Recent awards: 1934, J. M. Leonard and Lent D. Upson, *The Government of the Detroit Metropolitan Area* (Detroit Bureau of Governmental Research, 1934); 1935, Herman Kehrl, *Portland Pension Problems* (University of Oregon Bureau of Municipal Research, 1935); 1936, J. Lyle Cunningham, *Medical Care of Indigents Outside of County Institutions* (Los Angeles County Department of Budget and Research, 1936); 1937, Donald C. Stone and Associates of Public Administration Service, *The Greenwich, Connecticut Police Department Survey* (Public Administration Service, Chicago, 1937).

is that if a bureau "did appear in the limelight, all cooperation at the City Hall would cease at once because shouting in the public press about successes of the bureau is distasteful to the officials, who after all are the ones entitled to the credit. Our work is of a semi-confidential nature which citizens and supporters should recognize."¹¹ Some observers, however, feel that the bureaus could very profitably undertake a more active participation in citizen education without jeopardizing their relations with officialdom.¹²

During the 1930's the municipal research movement was having difficulties in many places. In San Francisco, the Bureau's budget was cut to almost a third of the 1929 peak. The Detroit Bureau found it advisable to affiliate with Wayne University. Research men were discouraged, some even predicting the imminent passing of the private research bureaus. The latter has not happened and probably will not come to pass. However, the depression did bring a new militancy and impetus to a certain type of taxpayers' organization maintaining research staffs. Not all taxpayers' organizations, leagues, or alliances are to be adversely criticized. Some of them are admirable and creditable institutions with competent technical staffs working closely with officials. While they may take a conservative attitude toward governmental functions and expenditures, that is their right. The objection is to those units which adopt an attitude of antagonism and active opposition to all that has to do with government. They want drastic reduction of taxes at whatever cost to the public welfare. They mistrust and suspect the motives of all public officials. The situation is admirably described by an old-line bureau man.

We have no quarrel with those taxpayers' associations whose work is based on research either made within their own organization or obtained from research bureaus. They represent a body of informed citizenship which can be of great help in promoting efficient and economical government. Our objection is to those groups which seek, by whatever means, to

¹¹ *Bulletin* (Bureau of Governmental Research of New Orleans, February, 1936).

¹² Truman, *op. cit.*, p. 58 ff.

control the action of public officials, and whose main concern is to shift taxes from their own shoulders, without much consideration of the effect on public service or regard for those who will have to carry the shifted load.

This kind of taxpayers' associations is made up, in the main, by those who pay taxes on real estate. They ignore the fact that those who pay other forms of taxes are also "taxpayers."¹³

Official Bureaus

Government research is not confined to privately supported bureaus. Some cities have set up official and tax-supported research agencies within the administrative structure. The Governmental Research Association lists sixteen governmental research agencies maintained by city and county governments. A very significant and desirable development in this direction is the budget staff agency, as exemplified in the two Los Angeles units.

The city of Los Angeles has a Bureau of Budget and Efficiency directly under the mayor, while the county has a Bureau of Administrative Research responsible to the board of supervisors. Each has a staff of approximately twelve trained investigators, chosen and protected by civil service rules. While their principal function is to act as a staff agency in budget preparation, they also conduct a variety of investigations and surveys into almost every phase of municipal management.¹⁴ Other agencies performing like functions are the staff of the finance committee of the Chicago city council, the City of Louisville Bureau of Municipal Research and Service, and the Wayne County Research Bureau. There undoubtedly are instances of staffs performing essentially the same work *without being formally* set up into a bureau. Every municipal executive who is charged with the preparation of a budget should have a competent staff to carry on the work. This staff must, by the very nature of budget making, find itself carrying on a great deal of administrative research.

¹³ Sidney Detmers, "A Plea For Research," *National Municipal Review* (October, 1935), Vol. XXIV, pp. 522-524.

¹⁴ See John M. Pfiffner, "The Los Angeles Bureau of Budget and Efficiency," *National Municipal Review* (February, 1932), Vol. XXI, pp. 107-109.

A somewhat different type of permanent official fact-finding agency is exemplified in the Toledo Commission of Publicity and Efficiency and the Boston Finance Commission. The five members of the Toledo Commission are appointed by the mayor for five-year overlapping terms and employ a small, full-time staff. Throughout its twenty years of existence the Commission has striven to "furnish plain facts and information not colored by opinion regarding the operation of the various municipal functions by accurate reporting, and to conduct extended and comprehensive researches into the various fields of local government to suggest and recommend ways and means of improving the administration of the various public services."¹⁵ The Commission publishes *The Toledo City Journal*, a weekly official publication. It contains a report of council proceedings, information as to activities of the various departments and officials, notices of commissions, and such other matter as the Commission authorizes. The Finance Commission of the city of Boston is composed of five members appointed for five-year overlapping terms by the Governor of Massachusetts with the advice and consent of the Governor's Council. The charter guarantees it a minimum continuing appropriation of \$50,000. Its duties are to "investigate any and all matters relating to appropriations, loans, expenditures, accounts, and methods of administration affecting the city of Boston or the county of Suffolk, or any department thereof, that may appear to the commission to require investigation, and to report thereon from time to time to the mayor, the city council, the governor, or the general court."¹⁶

Each of these commissions was originally designed to act as a searchlight to direct the light of publicity upon official shortcomings. The Toledo agency has also aimed at the performance of administrative studies in co-operation with the departments, in other words, to become a research staff agency. The Boston Commission has occasionally been dominated by a governor of the opposite political party to that of the mayor of the city of Boston. The result has been that at times it has had to assume a

¹⁵ "The Nineteenth Year," *The Toledo City Journal* (April 20, 1935), Vol. XX, p. 141.
¹⁶ The Boston City Charter as contained in *Acts of 1909*, Ch. 486, Sec. 18.

highly critical attitude.¹⁷ It maintains a permanent technical staff with a respectable professional reputation.

Departmental Research

The various functional departments of the city are continually engaged in research and investigations pertaining to their specific problems. It has already been indicated that the Chicago Corporation Counsel has established in his office a research division.¹⁸ The Rancho Los Amigos (poor farm) of Los Angeles County has made studies leading to the redesigning of institutional and hospital equipment, and these changes have been adopted by manufacturers as a part of their standard lines. Many public welfare units today maintain research and statistical units. Public health departments are continually striving to improve their methods, although they are too severely handicapped by lack of funds to carry on the basic research they should be doing. The New York State Department of Health is doing commendable work of this nature.¹⁹ The United States Office of Education found in 1930 that 118 cities had research bureaus in the school department.²⁰ The good public works department must have a testing laboratory or bureau of standards whose duty it is to make constant studies of the desirable qualities of goods and materials. As a matter of fact, the average citizen would be astounded at the amount of research that is being carried on by many departments in our large cities.

Another interesting aspect of this situation has been the growth of municipal reference libraries. Usually located in the city hall or other city office building, they are stocked with technical books pertaining to all branches of the city service. Sometimes they are branches of the regular public library. The persons in charge are usually well informed in the field of municipal administration and capable of informing the depart-

¹⁷ *The Finance Commission of the City of Boston, Reports and Communications*, Vol. XXXI, 1936, pp. 5-28; Joseph F. Dinneen, "The Kingfish of Massachusetts," *Harper's Monthly Magazine* (September, 1936), Vol. 173, pp. 343, 347.

¹⁸ *Report of the Department of Law, City of Chicago, For the Year 1935*, p. 29.

¹⁹ *The Division of Laboratories and Research of the New York State Department of Health: A Short Account of Its History and Present Status* (Albany, 1934), 89 pp.

²⁰ Edith A. Wright, *Organization and Functions of Research Bureaus in City School Systems* (Office of Education Leaflet No. 2, February, 1931), p. 1.

mental inquirers where to look for specified information. A library of this type is especially valuable for budget and engineering workers, although it will be made use of by a wide variety of interests. Such libraries exist in Cincinnati, Los Angeles, Chicago, Milwaukee, and other cities.²¹

Management Planning

Management planning should be distinguished from the physical plan of the whole city discussed in subsequent chapters. Physical planning is closely related to management planning in the various departments, but the latter is something more than what is generally called "city planning." One is management planning by the operating services; the other is planning the outward physical aspects, characteristics, and facilities of the city, such as streets, highways, transit facilities, parks, playgrounds, and open spaces. Here we are going to deal with management planning, and return to physical or land planning a little later.

Planning is an integral part of scientific management as practiced in the better industrial plants. It consists of finding, by study, the easiest and most economical way of doing things. Thus the management planners are concerned with such matters as organization, work flow, systems and procedures, and the layouts and allocation of space. They are directly concerned with those aspects of personnel management which have to do with the efficiency of workers. Planners in factories frequently make studies of workers' movements with a stop watch to find the easiest and quickest way to do a job. Upon this basis they establish a quota for a day's work and unit prices for piecework. However, this procedure has become so associated in the public mind with the "speed up" and exploitation of labor that it has never achieved an application in government and probably never will.

There are, nevertheless, many planning techniques which have a legitimate application under a humane personnel policy. The dominant management operations in government have to do with office procedure. In this field of office management there is ample

²¹ Richard E. Krug, "City Hall Libraries as Administrative Aids," *Public Management* (March, 1935), Vol. XVII, pp. 73-76.

opportunity to investigate new schemes of organization, layout, and work flow. In the smaller cities this can be carried on by an assistant in the city manager's office. In larger places it will be found in the budget bureau, in Los Angeles; the comptroller's office, in New York City; and in the departments themselves. Sometimes cities will call upon an outside consulting group, such as Public Administration Service, to carry out particular projects of this nature.

The various line departments must also carry on constant planning activities. For instance, the Seattle park department has a planning division the function of which is to determine what type of development is to be undertaken and then proceed to its fruition. It must make preliminary studies involving such factors as probable population increase, economy, neighborhood recreational needs, traffic, and transportation.

Whenever major developments are to be made, the work is preceded by landscape plans which are based upon detailed topographical survey maps prepared by the engineering branch. The division of areas, the arrangement of facilities, walks and roads, and the placing of structures must all be considered, as well as grades, drainage, irrigation, surfacing, beautification, and cost. The type of planting best fitted to the locality and soil, and best suited to the use which the area is to have must be resolved. Frequently only a small part of a development can be carried forward at any one time; but with proper landscape plans to work from, each improvement that is made is a step nearer the end in view.²²

In the field of public welfare, institutional management calls for a great deal of planning of the physical plant. Where population is on the increase it is only common prudence to estimate what future demands are to be made on hospitals, homes for the aged, penal and correctional institutions, and other places where people reside at public expense. One institutional executive states that almost every science enters into the planning of an institution. For instance, astronomy is used to plan the sunlight; geology to locate earthquake faults. Every structure should be

²² *Report of the Department of Parks, City of Seattle, 1923-1930*, p. 63.

designed so that it can be enlarged in case it becomes desirable to do so. Location of an institution should consider a variety of factors, including climatic conditions and proximity to markets.

It is desirable to have some sort of plan of action in readiness for major disasters, such as fires, earthquakes, and floods. While the public agencies which come into action on these occasions run a wide gamut of interests, the immediate problem is largely one of law enforcement and emergency relief. Interest in a disaster relief plan took concrete form in southern California after the Long Beach earthquake of 1933. While there is no legal authority to require unified action under a single leadership, the law enforcement agencies in the Los Angeles area have their separate plans which will be swung into some sort of unity in case of need. The Los Angeles city police department has prepared and published a plan of action. It provides that in case of emergency the facilities of the department shall be immediately mobilized according to a previously conceived plan, which prescribes the duties of the various units of the organization. The officers of the department are always assigned to a specific command, so that each knows just what is expected of him in case of alarm.²³

It is trite to say that municipal public works, such as city buildings, streets, sewers, bridges, viaducts, waterworks, and other utilities should be planned many years in advance. Yet such planning has undoubtedly been the exception rather than the rule. American cities have grown so rapidly that they have been required to follow an opportunistic policy of satisfying immediate and pressing demands which have taxed their resources. Sewers have been drained into rivers and oceans because it became imperative to get relief from overflowing cesspools. Apparently no one was concerned that these sewers would contaminate the water supply and bathing beaches of other cities. A rather advanced type of public works planning has been carried on in the District of Columbia. An attempt is made to analyze scientifically the physical enterprises of the community. In order to do

²³ *Report of the Law and Order Division to the Major Disaster Emergency Council* (Los Angeles Police Department, November 1, 1935), 97 pp.

this there is a search for data concerned not only with the present and future, but historical facts of a pertinent nature are gathered and considered. Data are gathered and maps and charts prepared on such factors as population, births and deaths, employment, school enrollment, persons cared for at institutions, construction (building permits), utility services, transportation, and condition of business according to communities.²⁴

Municipally operated utilities must always have in mind such items as the probable future rate of consumption (load factors) and depreciation of its plant. All great utility systems conduct studies which aim to project into the future the demands that will be made for power, water, gas, transit, and telephone service. Such knowledge will enable the construction and maintenance of present facilities so as to permit expected contraction or expansion with the utmost economy and ease. All public works should have their expected term of usefulness estimated and accounted for. In other words, cities should take account of how soon and at what cost it will be necessary to replace worn-out public works. Some account should also be taken of the amount of expenditure that is necessary to keep works and utilities in a desirable state of repair. During the depression of the 1930's our cities practiced a great deal of doubtful economy by failing to appropriate sufficient funds for maintenance purposes. Proper planning and accounting for maintenance and depreciation will go far toward convincing governing boards that they cannot be ignored with impunity. It was found that many small electric utilities in New York State had suffered from lack of this type of planning.²⁵

STATISTICS. The trend toward research and planning in recent years has created a demand for accurate data. The result has been the setting up of administrative machinery for the purpose of gathering statistics. Department after department in our larger cities has installed the punch card and sorting machines of

²⁴ U. S. Department of Commerce, Federal Employment Stabilization Board, *Advance Planning of Public Works in the District of Columbia* (Government Printing Office, Washington, D. C., 1933), 28 pp. The Port Authority of New York has planned a comprehensive transportation system. See *Fifteenth Annual Report of the Port of New York Authority*, December 31, 1935, map facing p. 74.

²⁵ Frederick L. Bird, *The Management of Small Municipal Lighting Plants* (Municipal Administration Service, New York, Pub. No. 28, 1932), pp. 129-130.

Los Angeles County Dept. of Forester and Fire Warden Form 287-A																																		
Kind of Card	Card Number	Number			Date		Equipment Number	Purpose of Run	Time		Odometer		Pumper Record										Auxiliary Pump		Total Gallons Pumped		Total Mileage		Hose Record					
		Number of Run	Division	Number of Fire District	Day	Month			Year	To Destination	Re-Station	On Job	Return to Station	Direct Pumping	Gallons Pumped	By Hundreds	Tachometer	No. Tires	Total Miles to Re-Station	Source of Supply	Time Drilling	Gallons Pumped	By Hundreds	Pumper Man	No. of Pumps	Total Pumping Time	Gallons Pumped	By Hundreds	Total Mileage	Number of Sections	Size	Number of Sections	Size	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3		
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5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5		
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35
I. R. M. 5080 LICENSED FOR USE UNDER PATENT 1,772,492																																		

Figure 6. Hollerith Machine Tabulating Card upon Which Coded Data and Records of a Fire Division Are Recorded

Each fire is represented by a single card which carries on it, in the form of punched holes, all pertinent data in regard to that particular fire. By "feeding" these cards to special tabulating machines specific items may be counted and related to other items in a variety of combinations. Thus *direct pumping time*, for example, may be calculated and related to *gallons pumped* in order to determine the efficiency of the pumpers. These cards are used both for maintaining current controls and for the preservation of statistical records upon which future planning may be based.

(Courtesy International Business Machines Corporation.)

the Hollerith type. Statistics on a wide variety of operations are available to the researcher and planner. These statistics are used for purposes of current administrative control as well as for planning the future. They are tied into the control accounts and the administrative reports automatically by virtue of the fact that the data on the punch cards are secured from them. For instance, the crime reports in the police department are taken from the policeman's report of the crime. The costs of operating motor equipment are obtained from reports made out by drivers, mechanics, and service men, these basic reports ultimately forming the basis for budgetary control accounting. The result is that research and planning have found accounting and statistics to be essential tools.

Research as a Career

The college student who reads this chapter and has not yet solved his vocational problems will quite naturally ponder as to the possibilities of governmental research as a career. To him it should be said that there will always be persons engaged in that field. While there is no active and pressing demand for beginners as this is written, nevertheless, one has had occasion to observe a steady employment, with satisfactory advancement, for experienced and competent persons. There is not room for thousands of graduates each year, but a certain number of adequately qualified persons will be placed. Some of them will find their way into responsible administrative posts in governmental agencies. Others will drift back toward the universities. Some will find satisfying careers with privately supported research agencies. Still others will become tax consultants for private corporate interests.

To those who would consider preparing for a career in government research, it should be said that the persons now engaged in this field seem to come predominantly from the engineering profession, accounting, and the public administration side of political science. The student of political science should be urged to take at least the elementary courses in accounting and statistics. He would be greatly benefited by minor studies in economics and sociology.

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CHAPTER V

FINANCE: REVENUES

The Finance Offices

There are six principal finance activities in a municipality. The first, and in many respects the most important, is accounting, usually performed by the comptroller or auditor. In this connection, "auditor" is a misnomer indicative of a misconception of his duties. It is the function of this office to keep the control accounts of the city, install a unified accounting system throughout the departments, supervise departmental accounting, and maintain a series of current internal checks over all of the city's transactions. In the smaller cities this office may carry on the necessary planning connected with budget making.

Every city must have a treasury, almost without exception headed by an officer known as treasurer. It is the function of this office to collect the money due the city, keep it in safe custody, and pay it out in settlement of claims against the city as vouched for by warrants issued by the chief accounting office. City treasurers do not keep huge sums of cash on hand. Money which is likely to be paid out soon is deposited in banks in two types of accounts. One, called active, is a checking account, and receives little or no interest; the other, called inactive, is a time or savings account on which a small interest rate is paid. Some states have public deposit laws which require the treasurer to obtain for these deposits protection not ordinarily accorded other depositors. One way of doing this is to require the banks to deposit with the treasurer \$1.10 in the bank's securities for every \$1.00 of deposits. Another way is to insure the deposits in a private surety company. In a well-run city all departments collecting money should be required to turn over their receipts to the treasurer as soon as possible, daily if distance does not make it too inconvenient.

The purchasing agent should buy all goods and materials used by the city, irrespective of what department is to use them. His office should be staffed with competent, experienced, and trained buyers, familiar with all aspects of merchandise and conversant with market trends and conditions. When a department wants to buy something it sends a requisition to the purchasing agent. If it is a standard item carried in stock in the city warehouse, he issues an order for its withdrawal. If it has to be bought from a private vendor, he secures bids and eventually issues a purchase order to the lowest responsible bidder. In either case the purchasing agent's order must go to the accounting office, where it is examined to determine whether it is authorized by the appropriations and if such authorization is not yet used up. If money is available for expenditure for the stated purpose, the accounting office approves the order, thereby obligating the city. The purchasing agent also operates storehouses where standard stock items are kept. Sometimes he controls all city equipment and maintains a salvage service.

The assessor is a quite universal and well-known official. It is his duty to set the value of property on which the general taxes are levied. Usually he is concerned only with real estate, that is, land with the buildings and structures on it, and physical furnishings. According to law in many cities he is supposed to assess intangible property, such as stocks and bonds, but this class of property is so hard to discover that it has remained quite generally untaxed for local purposes. The duty of the assessor, then, is to furnish the property assessment roll upon which the governing body bases the tax levy.

There is also a city auditor, who should be distinguished from the comptroller or chief accounting officer. The latter keeps the control accounts of the city and supervises all accounting operations. He also maintains a series of internal checks, sometimes referred to as administrative audits. The auditor, on the other hand, keeps no books of accounts and has no administrative authority over the accounting system. He is merely an examiner and checker. He should audit all transactions, note suspicious circumstances, ferret out evidence in cases of dereliction, and make observations as to how fiscal administration could be im-

proved. The auditor should be absolutely independent of the administrative officers charged with financial administration. In order to assure this independence, it is usually recommended that he be appointed by and responsible to the city council. He may be either a full-time officer or a private firm of accountants engaged by contract for the specific purpose. If the latter, competitive bidding should be avoided, for this is a professional service which should be engaged on a standard professional fee basis. Otherwise shyster bidders may slight the audit to come within costs, a practice which in the long run might very well cost many times the amount of professional fees.

As a city becomes larger it will find it desirable to establish a sixth financial office, a bureau of the budget under the budget director. In the smaller places its functions will tend to be performed by the comptroller. The bureau of the budget will be a pure staff agency devoted to planning research. It will be charged with preparing the annual budget for the mayor or manager. When not intensively so engaged, it will carry on a wide variety of administrative investigations and surveys related to budget matters. In a large and properly organized city this agency will tend to become the very heart of the city's financial administration.

The Department of Finance

Where do these financial offices stand in the organization set-up? What is their relation one to another? The first answer is that they should not be elective. The requirements for the heads are all technical; it has been proved that election will not secure honesty and guard against defalcation. Election breeds a spirit of independence which militates against the proper application of those internal checks which constitute the keystone of effective fiscal management. The arguments against the election of financial officers are overwhelming. The integrationists favor placing all of the financial officers, with the single exception of the auditor, in a single department under a director of finance,¹ as outlined in Figure 7 following. Usually no such integration has

¹ A. E. Buck and others, *Municipal Finance* (The Macmillan Co., New York, 1926), pp. 8-30.

existed in the past, a considerable degree of decentralization being rather common. It is quite prevalent practice to provide for the election of such officers as treasurer, comptroller, assessor, and auditor. However, the tendency in recent years has been decidedly in the direction of consolidating and integrating the financial activities. This movement comes out of the practical experience of administrators who have seen the difficulty of administering a city with decentralized financial control. They have moved in the direction of integration in order to strengthen

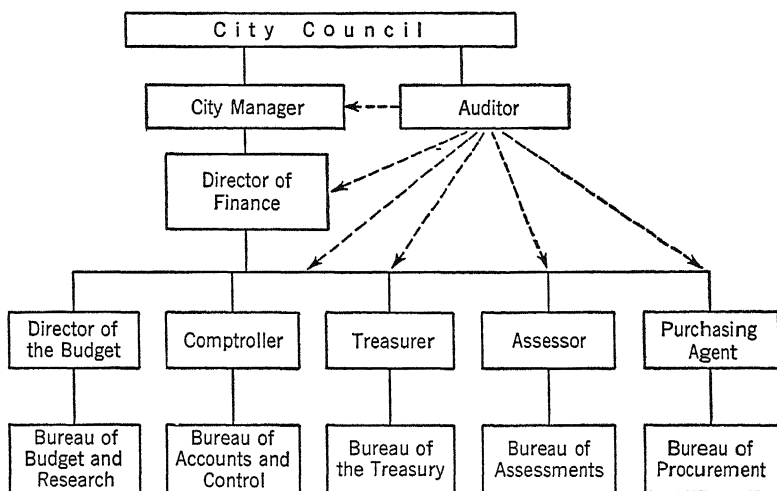


Figure 7. Chart Illustrating the Principle of Fiscal Integration

the general administration of the city and increase the effectiveness of executive control and direction. This tends to eliminate red tape, prevent losses through bad management, and curtail extravagant expenditures.² Fiscal integration is unquestionably one of the cardinal features of the new management.

The Revenue Process

It is desirable for the sake of clarity to follow the revenue process through from beginning to end. Let it be assumed that an

² *Ibid.*, pp. 17-18.

ordinary six-room single family dwelling is valued by the assessor at \$5,000. The owner receives notice and decides to protest before the board of equalization, which may be the county board of supervisors or city council sitting in an *ex officio* capacity; or there may be a specially constituted equalization body. As a result of a hearing, the board of equalization reduces the assessment on the house to \$4,500. When the assessment roll is completed it is certified to the tax collector who is probably the treasurer. The city council is informed by the department of finance how much of a tax must be levied on this assessment roll to bring in the desired revenue. This levy will be in terms of mills on the dollar, cents on the hundred dollars, or dollars on the thousand dollars of assessed valuation. Thus, if the city's tax rate is \$1.00 on \$100.00, the owner of the house referred to above will have to pay \$45.00.

After the city council has made the official levy, the extension of the taxes takes place. This is the task of computing how much each separate parcel of property must pay, and is performed by the assessor, treasurer, or separate tax collector. The collection process will then proceed, subject to the operation of several internal checks. In the first place, it will be controlled by the assessor's rolls setting forth the assessed value of each piece of property. This in turn will have been reviewed by the board of equalization. The comptroller's office will have tied the expected taxes into its own revenue control ledgers, so that it knows just how much the treasurer should collect. It will conduct current administrative audits on all collections and no moneys will be legally in the city treasury until "covered in" by the comptroller. The treasurer will see that adequate internal checks are maintained in his own office. All transactions will be recorded on serially numbered and duplicated stationery forms. The person who makes out the receipt will not be the one who receives the money. One copy of the receipt will go automatically into a machine where it will be preserved against alteration until the comptroller's checker arrives. After the money is safely and legally in the treasury it will probably be deposited in a bank account, a running control over which is maintained in the comptroller's office. No money will be paid out by the treasurer except

on a voucher or warrant duly certified by the comptroller. If the comptroller issues this warrant in the form of a voucher check drawn against one of the city's bank deposits, the check is not negotiable without the treasurer's signature.

In the case of non-tax revenues a little different procedure will be followed. Let us take, for example, the traffic court and traffic fines. The policeman issues a citation from a book with one hundred serially numbered blanks, each of which is an original with four carbon copies. One is given to the offender, one goes to the traffic court, one to the chief accounting office, one to the police department and one stays in the policeman's book. The latter is audited periodically to see that all citations have been accounted for and correspond with the copies in the court files. The chief accounting office audits the copies in the court clerk's office and sees that the disposition by the court is properly recorded. In this way a check is maintained on the amount of fines and costs chargeable to the court clerk, who is required to turn collections thereon into the treasury every day. Thus the city assures itself that the policeman's citation must reach the court, and the clerk of the court is cross-checked on the amount required to be turned into the treasury.

Source of Revenues

The general property tax constitutes about 60 per cent of the revenue receipts for American cities. This ratio has remained practically constant for a number of years, being 62 per cent in 1923, 64 in 1933 and 60 in 1936.³ One might reasonably expect the federal financing of municipal projects under the New Deal to have affected this situation to a greater extent. However, the payments to W.P.A. workers on municipal projects is an expenditure of the United States and not of the city. The latter merely puts up the sponsor's contribution to cover materials, amounting to a minor fraction of the total cost. In this manner cities have secured a large amount of construction and other work which has not figured in the city's accounting.

³ United States Bureau of the Census, *Financial Statistics of the Cities Having a Population of over 100,000, 1933* (Government Printing Office, Washington, D. C., 1935), p. 44; *ibid.*, 1923, p. 142; *ibid.*, 1936, p. 58.

The United States Bureau of the Census publishes the financial statistics of cities having a population of over 100,000. Figure 8 presents a summary of the revenue receipts of those cities for 1936.⁴

If one were to make a more minute examination of this table he would discover that the general property tax is an even more

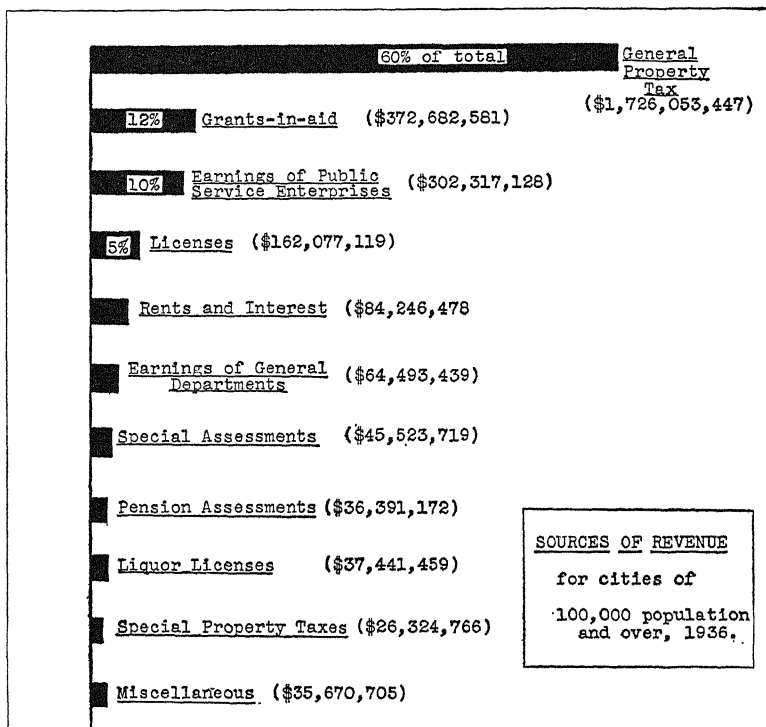


Figure 8. Sources of Revenue for Cities of 100,000 Population and Over, 1936
(Figures from United States Bureau of Census, *Financial Statistics of Cities, 1936*, Government Printing Office, 1938, pp. 58-59.)

important source of revenue than is evident on its face. For under the next largest items are revenues which are not available for general expenditure. For instance, "earnings of public serv-

⁴ United States Bureau of the Census, *Financial Statistics of Cities, 1936* (Government Printing Office, Washington, D. C., 1938), pp. 58-59.

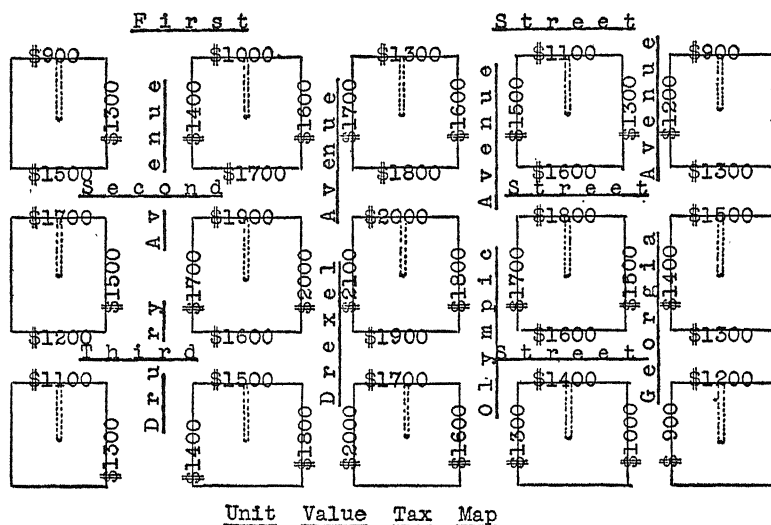
ice enterprises" means gross and not net earnings, so that almost all of this item will have to be paid right back out into operation and maintenance of plant. "Grants-in-aid" are payments to the city for specific purposes and can be applied to them only. Hence, the general property tax must be relied on to carry the lion's share of the city's general budget. While property-owner groups engaged in a concerted drive to reduce, limit, and abolish this form of taxation during the depression of the 1930's, it still prevails as the most important source of municipal revenue.

General Property Tax

ASSESSMENT. The assessment of urban real estate is pretty well standardized along scientific lines. It is based upon mathematical computations determined from a "unit foot" of value. This unit foot is a strip of land at or near the middle of the block with a frontage of one foot and running to the normal depth of the lot. The element of human judgment enters only into the setting of this unit of value. Once it is determined the value of the lot can be ascertained by the application of mathematics. Two principal rules are applied, the depth table and corner influence rule. The depth table is based on the principle that as a lot recedes from the street it becomes less valuable. Thus, according to one table, 72.5 per cent of the value of a hundred foot lot is given to the first fifty feet.⁵ The second important rule recognizes that business lots normally increase in value as they approach the corner, and furnishes a mathematical table for the computation of "corner influence" in valuing particular parcels. Other rules are sometimes evolved for the evaluation of odd-sized pieces of property.

The assessor's office should have two sets of maps. On one, the unit value for every block in the city should be available for all who desire to consult it (see Figure 9). On another, there should be drawn to scale the dimensions of every lot in the city. It is desirable to have lots and blocks laid out symmetrically so

⁵ See depth tables published in Buck and others, *op. cit.*, p. 348; Joseph D. Silverherz, *The Assessment of Real Property in the United States* (State of New York Special Report of the State Tax Commission No. 10, Albany, 1936), pp. 261-262.



The squares
indicate
city blocks

The dollars and
dotted lines
represent the
assessed value

of a strip of land in the center of each block, one foot wide and running back to the normal depth of the lot. The land owner can multiply the dimensions of his property by the value of the one foot strip and thus calculate its assessed valuation. So a fifty foot lot in the middle of the block on First street, between Drury and Drexel Avenues would have an assessed valuation of \$50,000. For lots that are not of normal depth, there are mathematical rules called depth rules which determine the proportion of the value which goes to the front, middle and rear portions of the lot. There are also corner influence rules which are superimposed to secure the value of lots near to the corner.

Figure 9. Unit Value Tax Map

that they can readily be identified as lot number 6, block 379. Then a property owner can consult the loose-leaf book describing his parcel, look at the unit value and dimensions, and calculate the assessed value. He knows that his neighboring owner is being subjected to the same rules, so he can protest only as to the fairness of the unit value.

Land and buildings are assessed separately. It is more difficult to reduce the valuation of buildings and structures to mechanical rules, as is done in the case of land. Nevertheless, an attempt is made to do so by dividing buildings into various classes. For each type of building there is established a reproduction cost price per square or cubic foot. These values are determined on the basis of exhaustive surveys of structural practices and costs. The cost per square or cubic foot is multiplied by the total number of such feet contained in a particular structure. Depreciation must be subtracted from the resulting figure to obtain the assessed value of the structure. Depreciation is arrived at by the application of tables based on standard rules. Such factors as age, physical deterioration, and lack of usefulness due to changes in conditions enter into the preparation of these standard formulas.⁶

The following summary of assessment practices in Milwaukee, emanating from official sources, should serve to crystallize the essential features of good procedure:

All assessments are made in accordance with uniform rules and tables of a practical nature. The assessor, in fixing ground valuation, first ascertains sales considerations, if any, rentals obtained, leasehold terms, prices asked, prices offered, etc. From this information he determines the value per foot of frontage for 100 feet in depth on every street. Based on this value, which is termed "unit value," he calculates the value of every individual parcel of ground in the city according to the rules by giving consideration to frontage, depth and shape of lots, corner influence and alley influence. A table is also in use giving the unit cost of construction by the cubic foot or by the square foot of the various types of residential, mercantile, and industrial buildings in the city.⁷

⁶ J. L. Jacobs, "Improvements in Assessment Administration," *Municipal Finance* (November, 1934), Vol. VII, pp. 32-33.

⁷ *Municipal Activities of Milwaukee for 1934* (Municipal Reference Library, 1935), p. 46.

Scientific assessment methods, then, involve the unit foot valuation of land, the unit valuation of buildings by classes, and the preparation and use of tax maps. How generally are these methods used by the cities of the United States? The answer is that the twelve cities of 500,000, and over, make almost a hundred per cent utilization of them. The smaller the city, the less it avails itself of modern assessment procedures. But cities in all population groups above 30,000 make over a 50 per cent utilization of them, as is exemplified by a 66 per cent usage in municipalities from 30,000 to 50,000. However, a majority of municipalities below 30,000 have not yet adopted technical assessing methods.⁸

Tax Collection

The depression of the 1930's, in addition to emphasizing the weaknesses of existing methods of tax collection, harvested a crop of legislation designed to aid property owners in distress. These laws took the form of remission of penalties, extension of time for tax sale, lowering of penalties, and installment payment. The failure to pay taxes became a very serious problem, about one-fourth of the property taxes going delinquent for 1933.⁹ For the year 1936, the amount of taxes collected from the delinquent levies of prior years amounted to almost one-fourth of the levy for that year. In Chicago, which was notoriously tax delinquent, the revenue from prior years was 80 per cent of the current levy.¹⁰ Normally, delinquency of this kind should be less than 5 per cent. The fantastic percentages of the early depression years of the 1930's were decidedly abnormal.

The extreme emergency having passed, it is now possible to look back and evaluate tax collection procedure from a vantage point of experience. The following general conclusions come largely from a Model Real Property Tax Collection Law pre-

⁸ These conclusions are taken from Silverherz, *op. cit.*, pp. 279-285. He used two existing studies: New York State Library, Legislative Reference Section, *Digest of Methods Used in Making Local Assessments in Cities of the United States over 30,000 Population (1924)*; and Matthew C. Mitchell, *Assessment of Real Estate Values in American Cities* (Harvard Ph.D. thesis, 1927), Part III, pp. 180-298.

⁹ Frederick L. Bird, "The Five-Year Average Trend in Tax Delinquency," *Municipal Finance* (May, 1935), Vol. VII, pp. 25-26.

¹⁰ *Financial Statistics of Cities Having a Population of Over 100,000, 1936* (Government Printing Office, Washington, D. C., 1938), p. 86.

pared by a committee of the National Municipal League in 1935.¹¹ The first conclusion is that too much leniency undermines the stability of government. During the early years of the depression we were subjected to much propaganda about the hardship of the tax burden on the small home owner. The subsequently revealed facts show that much of the tax delinquency was on vacant lots and comparatively little on small homes. Tax delinquency, even in normal times, has come largely from speculative holders who could pay if they had to. People have lost small homes because of loss of jobs, excessive interest and financial charges, and not because of taxes. As a matter of fact, it would be difficult to demonstrate whether the loss of a home was due in major part, or in any considerable degree, to the excessive size of the tax bill. Other factors would predominate in practically every instance.

A large share of the blame for ineffective tax collection should be placed on defective laws. A "fair but inexorable procedure for the collection of taxes will have the effect over a period of time of causing the community to view the payment of taxes as a normal civic duty."¹² The collector should be appointed, and the function of tax collection should be turned over to the county. The tax calendar should be geared to the fiscal year so as to eliminate tax anticipation borrowing. Installment payments on a semi-annual or quarterly basis should be permitted. The added accounting and clerical cost will probably be more than offset by the increased collections resulting from convenience of payment.¹³ There should be no discount for payment in advance of the due date. Penalties for non-payment should be sufficiently high to make such a practice unprofitable. The annual sale of tax liens should take place at a scheduled time from which there is no variation, for otherwise favoritism will creep in. There should be bidding on the interest rate with a stated maximum of, per-

¹¹ Committee of National Municipal League, "A Model Real Property Tax Collection Law," *National Municipal Review* (Supplement, May, 1935), Vol. XXIV, pp. 290-305.

¹² *Ibid.*

¹³ Simeon E. Leland, "Municipal Revenues," *The Municipal Year Book 1936* (The International City Managers' Association, Chicago, 1936), p. 29; American Municipal Association and United States Conference of Mayors, *Installment Payment of Taxes in United States Cities* (Published jointly as Report No. 42, American Municipal Association, and Report No. 20, United States Conference of Mayors, Chicago, 1933), mimeographed, 26 pp.

haps, 12 per cent. "It has also been found that purchasers cannot be obtained if foreclosure is delayed and is expensive because such lien certificates are not desirable bank collateral."¹⁴ The procedure for foreclosure should be as simple, expeditious, and inexpensive as possible, consistent with good land titles. Insofar as it is constitutionally possible, there should be personal liability for taxes. Enforcement machinery should be flexible enough to provide for such special remedies as the collection of rents and income of delinquent real estate through statutory receiverships of income-producing property, as provided by law in several states.¹⁵

Professional and technical opinion is opposed to the cancellation or remission of penalties as an inducement to the payment of delinquent taxes. While such remission does accelerate collection for a short time after going into effect, in the long run it encourages delinquency, because people delay payment in expectation of further remissions. This tends to break down the morale of the taxpayer group rather than to create a community spirit favorable to tax payment. It is also unfair to those who have paid their taxes either on the due date or with a penalty attached. They feel that they have been penalized for doing their duty, while those who have failed to do so have had their penalties cancelled. Hence the city which remits taxes "places itself in an unhappy and illogical position."¹⁶

Tax Limitation

Efforts to place a maximum limit on the amount which can be levied under the general property tax are not new. However, they were greatly accelerated at the beginning of the depression of the 1930's, chiefly at the insistence of those who were commercially interested in real estate. The laws usually took the form of limiting the total amount that could be levied under the property tax by all areas of local government to some stated rate, such

¹⁴ Committee of National Municipal League, "A Model Real Property Tax Collection Law," *loc. cit.*

¹⁵ *Ibid.*, p. 292.

¹⁶ Roscoe C. Martin, "Texas Remits Tax Penalties and Interest," *Municipal Finance* (February, 1935), Vol. VII, pp. 25, 26; Carl H. Chatters, *How Cities Collect Delinquent Taxes* (Municipal Finance Officers Association, Chicago, 1932, mimeographed), p. 7.

as \$1.00 or \$1.50 per \$100.00 of assessed value. Where the combined levy for local governments had been \$3.00 or \$4.00, this could mean an immediate deprivation of income amounting to 50 or 75 per cent. Under some laws the cities were further handicapped because the schools and certain county functions were given a preferment or priority in the distribution of the drastically limited levy. Such laws were usually enacted during the unthinking frenzy of despair at the beginning of the depression. The principal motivation came from groups speculatively interested in real estate which were able to influence the non-speculative home owner by an emotional play on the average man's disinclination to pay taxes. Occasionally a demagogue politician would take advantage of the issue to obtain political support.

The tax limitation movement was blind and irrational. It was based on the principle that the expenses of local government can be drastically reduced by cutting one type of revenue. This is a fallacy based upon the assumption that local government is universally overstaffed, extravagant, and inefficient. This is only partially true. The man on the street also has the opinion that our cities are performing services which can very well be discontinued. Yet the minute it is attempted to dispense with any service this same man on the street will hasten to the council chamber to demand its retention. Some persons demand cutting out the service which the other fellow wants, but expect another activity, which benefits themselves, to be retained. Taxpayers must be made aware that they have demanded an increasingly high standard of public living from their cities; that it goes hand in hand with our increased private standards of life. The one cannot exist without the other. While economies can be rendered through more efficient operation here and there, it will rarely be possible to cut a city's income more than 10 per cent without seriously handicapping its operation.

How this works out was aptly demonstrated in West Virginia, which adopted one of the most drastic tax-limitation laws. The people of Bluefield defeated a proposed \$5.00 capitation tax designed to replenish the revenues lost by the limitation act. Faced with an empty treasury, the city council shut off street lights and fire hydrants and dismissed half the policemen and firemen. This

caused the National Board of Fire Underwriters to send their engineers to re-rate the city. It was soon reported that while the reduction in fire-fighting forces would save \$25,000 in taxes, there would be an accompanying increase in fire insurance premiums amounting to \$100,000. This made the citizens realize that municipal services cost money; and that the costs cannot be dodged by discontinuing or curtailing activities. The result was that a citizens' committee met with the city council and agreed to levy a 1 per cent municipal sales tax.¹⁷

Experience with over-all tax limits has demonstrated that the idea will not work. Ohio pre-depression experience showed that the cities were forced to utilize every subterfuge possible to maintain a level of services demanded by the people. They "borrowed" from sinking funds without repaying, money collected to pay debt was used to pay operating expenses, and millions in floating debt were accumulated.¹⁸ More recent legislation has resulted in failure to levy for debt retirement, drastic salary and wage slashes and lay-offs unfair to career men, piling up of floating debt, curtailment of vital services, deferring necessary upkeep and maintenance, and closing of schools.¹⁹ A study published by the New York State Tax Commission in 1932 found that limitation in that state had not accomplished its purpose and recommended its repeal.²⁰ In 1935 the Boston Municipal Research Bureau, a privately supported organization, recommended the abolition of the tax limits applicable to that city because they had not accomplished their purpose, they had resulted in excessive borrowing for current expense, and had failed to place responsibility for good budgetary practice on local officials. Tax limitation prevents good budget practice because it forces officials to adopt subterfuges in order to obtain the revenue necessary to run the city. The Boston report went on to recommend the adoption of a modern system of budgetary control as a desirable alter-

¹⁷ West Virginia League of Municipalities, *News Bulletin* (October 30, 1935), Vol. 1, unpagcd, mimeographed.

¹⁸ Carl H. Chatters, "Tax Limitation—A Movement Backward," *Western City* (April, 1936), Vol. XII, p. 13.

¹⁹ *Ibid.*

²⁰ Frank LeRoy Spangler, *Operation of Debt and Tax Limits in the State of New York* (State of New York Special Report of the State Tax Commission No. 5, Albany, 1932), pp. 30, 40.

native to that negative type of control exercised through tax limitation.²¹ That is the really important consideration. Those groups which foster tax limits should be brought to realize that their objectives can be attained constructively through positive budgetary control of expenditure, rather than destructively through negative cutting off of revenue.

Constructive suggestions toward this end were recently issued by the International City Managers' Association.²² Effective use of those management devices set forth in the previous chapters of this book constitute the keystone of the recommendations. These include the integration of administrative organization, provision for co-ordination, adequate executive control of administrative operations, and a system of budgetary control. These can be accomplished as a result of adequate research and maintained through information gathered by well-ordered administrative reporting. Specific steps which would bring about economies in the various departments are listed. For instance, it may be possible to re-locate and eliminate some police and fire stations; schools might be consolidated into larger units; costs might be cut through centralized control of motor equipment; and a cost accounting system might reveal that certain streets are being swept too often. The point is that scientific management is a better device for citizen control of governmental costs than a periodical demonstration of public wrath culminating in purely negative restrictions. The following chapter will indicate how scientific management can be applied to expenditure control.

Special Assessments

A special assessment is a special tax levied against a particular district or parcel of property for the purpose of constructing a public improvement. Its distinctive feature is that it is levied on the basis of alleged benefit, whereas other taxes are levied on the basis of ability to pay. In other words, a special assessment is

²¹ H. C. Loeffler, *Boston's Tax Limits, and the Local Application of the Municipal Finance Act, Chapter 44, General Laws* (Boston, 1935, mimeographed), 26 pp. This report won honorable mention in the Governmental Research Association's annual contest.

²² Clarence E. Ridley and Orin F. Nolting, *How Cities Can Cut Costs* (The International City Managers' Association, Chicago, 1933), 58 pp.

justified on the ground that the property owner's outlay will be returned in the form of the appreciated value of his property resulting from the sewer, park, street, or lighting system which it constructs. This form of financing has been widely used by American municipalities for decades. During the twenty years prior to the depression of the 1930's, the special assessments collected amounted to about 12 per cent of the revenue from property taxes for all local purposes.²³ The effect of the depression on this mode of financing is illustrated by the fact that the proportion was reduced by 1933 to 3.7 per cent.²⁴ During the decade after the World War there had been much irresponsible and speculative subdivision of suburban real estate. The promoters would put in streets, paving, water mains, sewers, lights, and other improvements and have the local government issue special assessment bonds to pay for them. When these communities failed to materialize, or because those who had settled in them could not carry the burdens under depression-reduced incomes, they would default on their special assessment payments. In some cases these defaults ran into millions of dollars, the outstanding bonds sometimes amounting to several times the value of the property securing them. The situation was especially aggravated in certain California communities, where defaults in special assessments legally constituted tax delinquency. As a result, there was an increased tendency toward general property tax delinquency on the part of those who could not meet special assessment burdens, but who otherwise could have managed their regular tax payments.

Usually a special assessment begins with the establishment of an assessment district, either upon petition of the property owners or by action of the city council. The engineers then make their surveys and plans, the contracts are let, and the property owners assessed their respective shares of the cost on the basis of benefit. The property owner may pay his share in one lump sum and thus wipe out his obligation, or he may let it "go to bond." In the latter case, a serial bond is issued against his property and he may pay it off by installments. The bond stands as a lien against the

²³ George Adams Graham, "Special Assessments in Detroit," *University of Illinois Studies in the Social Sciences* (September-December, 1929), Vol. XVII, P. 15.
²⁴ U. S. Bureau of the Census, 1933, *op. cit.*, p. 44.

property until paid in full. Under another type of district, the bonds are issued against the district as a whole and retired gradually by annual tax levies against all of the property in the district.²⁵

The special assessment method of financing public improvements is a useful device if properly used. The reaction against it after 1930 resulted from the abuse of a potentially sound procedure. California may some day find that it went too far in its act of 1931 which permits a 50 per cent protest of affected property owners to block a projected improvement. There may be times when the city-wide interest requires a section to pay for a much needed improvement on the basis of benefit. With the increased automobile traffic, a significant change in financing street and highway improvements is taking place. We are recognizing that a through or arterial street is often more of a benefit to the general public than to the abutting property owner; in fact it may be an actual detriment to the latter. The result is that street improvements are being more widely financed from general tax sources, such as state allocation of gasoline taxes.

Municipal Debt

American cities have an outstanding debt amounting to approximately eighteen billion dollars.²⁶ While municipal indebtedness has more than doubled in each decade of the present century, this accelerated growth seemed to have reached at least a temporary climax in 1935 when a small reduction in the total took place. In that year the per capita net debt of cities over 30,000 was \$123.50.²⁷ In other words, every man, woman, or child resident in these cities owed that much city debt on an equal sharing basis. The median ratio of community debt (all local taxing bodies) to estimated taxable wealth was 7.3 per cent.²⁸

As the depression of the 1930's created a fiscal crisis for the municipalities of the country, many cities with previously un-

²⁵ See *Special Assessments, A Means of Financing Municipal Improvements* (National Municipal League, New York, 3rd ed., 1929), 20 pp.

²⁶ Frederick L. Bird, "Cities and Their Debt Burdens," *National Municipal Review* (January, 1936), Vol. XXV, p. 12.

²⁷ C. E. Rightor, "The Bonded Debt of 283 Cities as at January 1, 1936," *National Municipal Review* (June, 1936), Vol. XXV, pp. 354, 356.

²⁸ Bird, "Cities and Their Debt Burdens," *loc. cit.*, p. 17.

questionable credit rating defaulted on bond or interest payments. On January 1, 1936, over 2,000 local governmental units were in default on their bonds.²⁹ These were mostly small places, and the amount in default had never risen during the depression to over 5 per cent of the total municipal debt. Such cities as Detroit,³⁰ Miami, and Toledo found it necessary to refund a part or all of their outstanding issues in order to cure or avoid defaults. Nevertheless, the municipal bond market became very strong and active toward the middle of the 1930's, indicating the general strength and public confidence in municipal securities as investments. Ordinarily a municipality can borrow on more favorable terms and is required to pay lower interest rates than the high grade issues of railroads, utilities, or industrial corporations. This is partially due to the fact that the income from the public issues has been free from federal income and other taxes. However, during 1935 the better private corporations were borrowing on more favorable terms than the cities, in spite of the tax exemption handicap in favor of municipals.³¹ This indicates that while municipal credit is good, it is not on the whole on a higher rating than that of the better managed private businesses. The following paragraphs will attempt to set forth how debt administration can be improved.

AUTHORIZATION OF DEBT. In some states the governing body has the power to authorize the issue of bonds; in others a popular vote is required. The latter method appears to be in increasing favor. One writer claims that California cities came through the depression of the 1930's in good condition largely because of the constitutional provision requiring a two-thirds popular majority to pass a bond issue.³² Where California communities did have serious difficulties, they were due to special assessments put through by subdividers, material men, and contractors who sent their own high pressure salesmen out to solicit petition signatures.

²⁹ Carl H. Chatters and Elton D. Woolpert, "Trends in Municipal Debt," *The Municipal Year Book 1936* (The International City Managers' Association, Chicago, 1936), p. 293 ff.

³⁰ Henry Hart, "The Decline, Fall and Resurrection of the Credit of the City of Detroit," *National Municipal Review* (June, 1936), Vol. XXV, pp. 347-353.

³¹ T. David Zuckerman, "The Importance of Sound Governmental Credit," *National Municipal Review* (June, 1936), Vol. XXV, p. 341 ff.

³² Bird, "Cities and Their Debt Burdens," *loc. cit.*, p. 17.

But there is one other phase of the California municipal debt situation which reveals the real reason for healthy city finance. The constitution of the state has required for decades that local governmental agencies balance income against outgo. Deficiency borrowing in excess of anticipated revenues is unconstitutional. In other words, cities which do not operate on a cash basis are violating the constitution.

During the middle of the 1930's, one heard a great deal about the enactment of so-called "cash basis" laws. One state gained considerable publicity for putting its cities on a cash basis. It had long been the habit of cities in many parts of the country to levy taxes sufficient to pay only a part of the expense of operating the municipality. The balance, or deficiency, would be made up by short-term borrowing or "registering warrants." It is sometimes necessary to do both of these things, but the amount should not exceed what can reasonably be anticipated in revenues for the fiscal year. In other words, if a payroll is to be met and the treasury is temporarily empty, but revenues are anticipated several weeks or months hence, it is acceptable practice to borrow for repayment when the revenues arrive. But such short-term borrowing was too often authorized without any planned procedure as to repayment. The result was that it piled up and pyramided into a "floating" debt, sometimes in the form of bank borrowings, sometimes registered warrants. In the latter case, warrants for payment would be issued when there was no money in the treasury. The payee would present them for payment and the treasurer would register them, which action caused the warrants to bear interest from that date. Instead of being paid out of current revenues during the fiscal year incurred, this floating debt would grow and accumulate until bonds would have to be issued to retire it. In some states the holders of such warrants would get a judgment from a court requiring the issue of judgment bonds.

There are several ways of avoiding this eventuality, one of the surest of which is planned budgetary procedure and strict accounting control. Along with this should go a sincere desire on the part of those in authority to refrain from temporary borrowing except in case of extreme emergency. An important step is to arrange the tax payment program so that revenues start

to come in before or at the beginning of the fiscal year. If this cannot be provided under the law, there is the California alternative of building up reserves to finance the city during the portion of the fiscal year when taxes are not being paid. Such reserves are reappropriated and carried over from year to year. A relatively small appropriation to reserves each year can be accomplished with comparative ease, and in a surprisingly short time there will be sufficient on hand to obviate temporary loans. Perennial deficiencies are the sure sign of loose fiscal administration. They inevitably lead to an uncontrolled and mounting debt structure.

It is quite generally agreed that municipalities should not borrow for current expense except in case of extreme emergency. These emergencies should be real emergencies and not normal embarrassments. They should be what the law calls "Acts of God": earthquakes, floods, fires, tornadoes, and, perhaps, abnormal industrial unemployment. However, whenever we realize, as we are now beginning to do, that a rather high level of unemployment is chronic, it is no longer justifiable to borrow for relief. Current revenues should be adjusted so as to take care of that expenditure.

It is normally considered justifiable to borrow for the construction of public works such as buildings, streets, parks, bridges, sewers, and piers. The most workable rule is that such borrowing should never be for a term longer than the life of the improvement. Some authorities would limit the terms of all bonds to twenty years as against the thirty- and forty-year issues sometimes used. Much has been said in favor of paying for all municipal improvements out of current revenues—sometimes referred to as "Pay-As-You-Go."

PAY-AS-YOU-GO. It has been the custom in the past for cities to issue bonds and borrow for practically all public works construction. The chief criticism of this practice is that it assumes that expenditures for public works are extraordinary in nature. As a matter of fact, however, this is far from the truth, for large cities are constantly building new structures of some kind. In other words, there is a normal annual expenditure for new construction which should be budgeted from current revenues. Reli-

ance upon the issuance of bonds for these purposes has several disadvantages. The city is constantly paying a large interest charge which could just as well go to reduce taxes or for securing some badly needed service or structure. Improvements are not well planned because the necessity for bond elections stamps them with an extraordinary or emergency flavor. Much needed improvements are avoided or delayed because of the difficulty in securing debt authorizations.

Under the Pay-As-You-Go plan, expenditures for public works construction would be budgeted to come out of current expenses. Bonds would be issued rarely and then only for clearly extraordinary purposes. This would require the preparation of a capital budget as provided by the recent New York charter (see next chapter). By capital budget is meant an expenditure plan for public works; in New York this program is worked out by the city planning commission. There it is not yet tied into Pay-As-You-Go, for its financing is accomplished largely by the issuance of bonds. The next step would be to require the gradual cutting down of borrowing to finance the capital budget over a period of years, substituting current revenue therefor. Ultimately an absolute Pay-As-You-Go basis would be reached.

DEBT LIMITATION. The common form of debt limitation is to provide that no city can borrow in excess of a certain percentage of the assessed valuation of taxable property within its limits. In New York State this limit has been 10 per cent of the assessed value. There the limitation has been sufficiently liberal to be fairly effective, although there has been constant amendment to provide for exceptions and exemptions. In those states which have set a rather low limitation, various evasive devices have been utilized. Such limitations may not apply to all local government areas. Hence the city may have a 3 per cent limitation while the county and school district have separate and higher limits or none at all. Special districts with limits of their own may be organized to create indebtedness for a specific purpose. Municipalities have been known to "jack up" their assessed valuations for the purpose of expanding the bonding limit. In other cases, an attempt is made to hide the floating debt by accounting subterfuges.

It is not urged that this type of debt restriction be abolished, but that it be supplemented with other more positive control devices. These include measures regulating the purposes for which debt may be incurred, the maturity of bond issues, and the method of their retirement. Positive planning of public improvements, looking ahead a term of years, would produce a capital expenditure program more nearly impregnable to the assault of pressure groups demanding bond issues.³³

During the depression of the 1930's there was a movement to issue so-called "revenue bonds" to be retired out of the revenues of public service enterprises rather than from tax sources. This type of borrowing was accelerated by the availability of loans for such purposes through the Federal Emergency Public Works Administration. The movement was accompanied by a new type of local governmental agency known as the "Authority." A distinguishing feature of the authority is that it has no taxing power. It borrows solely upon its own ability to produce revenue and not on the general credit of the municipality. These authorities are organized for the purpose of furnishing water, sewer, gas, or electric light services. They take over from the city the jurisdiction, supervision, title, possession, and control of the existing systems furnishing such services. Up to 1937 the state courts had tended to uphold the right of such authorities to issue revenue bonds exempt from the general city debt limitation.³⁴

SERIAL VERSUS SINKING FUND. There are in general two types of bonds: serial and sinking fund. The distinguishing feature of serial bonds is that a portion of the principal must be retired each year, in addition to meeting interest payments. Serial bonds may be further classified into straight serials and annuity serials. A straight serial is one where the principal payments are approximately equal on all due dates. This means that the burden on the taxpayer must be greater in the first years than

³³ On this whole subject of debt limitation see Spangler, *op. cit.*, pp. 15-29; Lane W. Lancaster, "State Limitations on Local Indebtedness," *The Municipal Year Book 1936* (The International City Managers' Association, Chicago, 1936), pp. 313-327.

³⁴ See comments by C. W. Tooke, "Municipal Powers" in *The Municipal Year Book 1935* (The International City Managers' Association, Chicago, 1935), pp. 39-41; *Ibid.*, 1936, pp. 52, 54.

later, for as the principal is reduced the interest load becomes lighter. Annuity serials, on the other hand, provide for equal payments to debt service each year throughout the history of the issue, on the same basis as payments as when buying a home. As the issue grows older the proportion of principal to interest in the flat annual payments increases. The advantage of the annuity serial is that the burden on the taxpayer is equal throughout the years. However, straight serials result in a more rapid reduction in principal with a corresponding saving in interest. They are perhaps to be preferred where the taxpayers can afford to make the larger payments in the first years.

The distinguishing feature of sinking fund bonds is that the city must set aside periodically into a sinking fund sums sufficient, with interest earned, to pay the principal when due. Usually this arrangement is applied to term bonds upon which the principal comes due at the same time. However, this is not always true.

In theory, serial and sinking fund bonds produce practically identical fiscal results. However, the normal city will be better off with serial bonds, because it will thus avoid the pitfalls of administering sinking funds. Governing bodies like to borrow from sinking funds for current expenditures and then forget to repay. They have also found it convenient to keep taxes down by failing to levy enough to meet the entire requirements, with the result that there would not be sufficient on hand to retire the issue when due. Furthermore, probably only a few cities have qualified investment personnel competent to manage the proper placing of sinking fund assets. Nevertheless, under certain market conditions there may be an advantage in sinking fund bonds for those cities in a position to give them proper management. Normally, however, serials will yield the best results for most cities.³⁵

SELECTED READINGS

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CHAPTER VI

FINANCE: EXPENDITURE

Municipal finance has not until recently been greatly concerned with the theory and philosophy of revenues and taxation. This is because the general property tax has traditionally been the accepted, and largely the sole, source of city income. The result is that the expenditure side of municipal finance is much better developed administratively. Budget procedure can be reduced to a few simple rules, quite generally accepted, which, if followed, will insure sound financial results. If a city is continually spending in excess of its income, with resulting unbalanced budgets, a budget expert will know where to look for the trouble. He will know before surveying the situation at first hand that one or several of the following common defects exist:

1. Ineffective budget planning, or none at all.
2. Excessive council interference in budget control.
3. A cash accounting system which does not accrue obligations incurred but not paid.
4. Lack of centralized purchasing.
5. Decentralized financial organization.
6. Weak-kneed and dilatory administration of tax collection.
7. A failure to recognize the necessity of professional and technical qualifications in the personnel of the financial offices.

There are four main phases of budgetary control, two of which are administrative and two legislative in nature.¹ They should succeed each other in the sequence represented in Figure 10.

Most of the financial ills of cities can be traced to violation of this simple and elementary calendar of financial procedure. The

¹ W. F. Willoughby, *Principles of Public Administration* (The Johns Hopkins Press, Baltimore, 1927), pp. 429-434.

following pages will attempt to clarify this statement by a more detailed description of the four phases of budgeting. The perils courted by a violation of the quartet will also receive adequate attention.

Budget Planning

Probably the most noteworthy and effective administrative reform of the last century has been the widespread adoption of the principle of the executive budget. That principle is that the chief executive or chief administrative officer shall prepare a budget plan and present it to the legislature as a suggested program to be adopted for the ensuing fiscal year. Hence, it should be the duty of the mayor or city manager to prepare such a program. It should set forth a statement of the revenues to be ex-

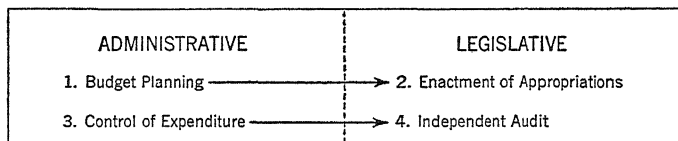


Figure 10. The Four Cardinal Steps in Budgeting

pected, offset by a recapitulation in summary of the expenditures to be undertaken. Each spending agency should have its own section of the budget document, containing a detailed statement of the objects or things for which the money is to be spent. This should be in parallel horizontal columns showing expenditures for each of two or three immediately preceding years beside the request for the coming fiscal year.

Most of the detail work in budget planning should be delegated to a budget staff agency, which in the small cities may be the comptroller or chief accounting officer. The larger cities will find it advisable to have a specialized budget bureau which investigates financial problems continuously. During the budget planning season it will be in constant contact with the mayor or manager, the latter supervising budget policy, the bureau doing the actual work. The budget bureau should be staffed with trained accountants, budget investigators, and technicians who can make

themselves know more about the operations of the city than the department heads themselves. This sounds like a foolish statement; yet it is not. The justification of staff agencies is that they can approach problems from an independent and unbiased standpoint; they can view particular agencies with a city-wide perspective rather than from the narrower standpoint of the operating departmental executive. Budget staff agencies are in a position to help the departments decide between absolutely essential and desirable but non-essential expenditure items. This they should attempt to do on an amicable basis of mutual understanding.

In some cities budget planning is carried out by a board rather than by a mayor or manager. In Milwaukee the budget is prepared by an ex-officio board composed of the mayor, city comptroller, city treasurer, city attorney, commissioner of public works, the president of the common council, and the members of the finance committee of the common council.² In Chicago the finance committee of the city council is the chief factor. While splendid results may sometimes be achieved under arrangements of this kind, good organization principles will be better preserved by placing sole responsibility for budget planning on the mayor or manager.

An interesting feature of the charter adopted in 1936 by the voters of the City of New York is the use of the city planning commission as a budget planning agency. There are to be two budgets: the expense budget and the capital budget. The latter includes permanent public improvements and covers the ensuing fiscal year plus the five years immediately following. Under this arrangement the City of New York will be required to consider permanent improvements for at least six years in advance. The city planning commission prepares the capital budget, but it does not have determinative power. That lies with the board of estimate and the city council. The long-term capital budget has been advocated at various times in the past. So far as is known, however, this is the first time that a great American city has set up administrative machinery providing for it. Bringing the city planning commission into the picture is a move in the direction of co-ordinated physical development.

² Municipal Reference Library, *Municipal Activities of Milwaukee for 1934*.

BUDGET PLANNING CALENDAR. The budget plan should be prepared and legislative consideration and enactment completed prior to the beginning of the fiscal year. This may seem a truism; yet thousands of American local governments do not pass their annual appropriations until several weeks into the fiscal year. In the meantime they have continued to incur obligations in accordance with the expenditure experience of the previous year, or under special dispensations of the governing board. This is slipshod and makeshift procedure and likely to play havoc with the best-devised budget plan. The budget law should contain a calendar of procedure which would insure that the governing body would receive a well-considered budget plan in time to permit legislative enactment before the next year begins.

The first step in this calendar would be the announcement by the mayor or manager of the budget policy to be followed. This announcement would refer to such items as whether any increases were to be permitted, policy as to additional personnel, and the general financial outlook of the city. Of course, no wise executive is going to tell his department heads that money matters are going to be easier next year, for that would be an invitation for an avalanche of requests. There are ways of letting these things be known without stating them too baldly. Further, there must be an estimate of revenue for the ensuing fiscal year. Sometimes the charter requires that this estimate be made by a specific officer such as the treasurer or comptroller. The result is that the budget agency comes to a general agreement with the mayor or manager as to the amount of the total budget in round numbers.

The estimate sheets are then sent to the departments. These are forms containing a detailed itemization of expenditures for two or three past fiscal years in parallel horizontal columns. There are vacant columns for the request of the department, the recommendation of the budget agency, and the allowance of the mayor or manager. The estimate forms may be filled in as to the figures of the past years by the comptroller, but they will be transmitted from the office of the mayor or manager with a statement of directions and policy. Sometimes they are in triplicate or quadruplicate so that copies will be on file with the department, the comptroller, the mayor, and the budget bureau. At any rate, the

budget bureau must have these estimates in order to acquaint itself with the formal requests of the departments. With these at hand it may proceed to harmonize them into a balanced expenditure and revenue plan.

Upon receiving the departmental requests the budget agency will assign specific units to the various members of its staff who will proceed to analyze them. There will be conferences with departmental officers, accompanied by first-hand investigations of needs. When he is ready to report, the budget investigator will be called on to defend his recommendations in an informal hearing before the director of the budget, with departmental representatives present. As the planning period grows shorter, the budget bureau will begin striking a balance at the close of each day. This will enable it to know how close it is coming to the round figure it had set as a target for total maximum expenditures. When the bureau has completed its studies, the balanced budget will be presented to the mayor or manager. The latter has, of course, been closely in touch with what has gone on before. Nevertheless, it is good policy to hold a series of informal conferences with department heads from then on. Here the estimate sheets will be gone over in the presence of the mayor, the departmental representatives, and the budget director. The department will have the opportunity to protest the decisions of the budget director, and the latter may defend his actions. On controversial items the responsibility will be placed squarely on the mayor or manager. By a certain set date he must have completed his hearings and arrived at a budget plan.

This budget plan should be printed, or otherwise duplicated, in copies sufficient to supply all persons immediately interested. The resulting volume should open with a budget message signed by the mayor or manager, explaining various aspects of the budget. This should be followed by a summary statement of the budget plan, a bird's-eye view. Then there should be detailed requests classified by departments and broken down into the objects (things) for which the money is to be spent. This book or pamphlet will be known as the "budget document." It is only a plan and proposal, and as such should be distinguished from the appropriation ordinance or resolution. The latter is the medium

for translating the budget plan into action, for creating the legal authority to spend. Hence, the budget document must be presented to the council at a stated time far enough before the beginning of the fiscal year to permit adequate legislative consideration.

Budget Enactment

At a time either designated in the charter or set by the council, the latter will hold a public hearing. The budget document will have been published and distributed, so that interested groups and persons will be informed as to the proposals. Budget hearings are normally attended by real estate groups interested in reducing property taxes and municipal employee organizations resisting reduction in salaries and staffs. Sometimes the formal budget hearings are not well attended. This is undoubtedly because the interested groups have built their fences behind the scenes and know what is going to happen. They prefer to work quietly in the lobbies and committee rooms instead of placing themselves formally in the limelight. During the depression of the 1930's, budget hearings were probably better attended than during the previous decade. This was undoubtedly due to the pressure for economy and tax reduction from the real estate interests. The formal budget hearing before the city council is in keeping with democratic tradition. On these occasions ample opportunity should be provided for all who so desire to voice their sentiments.

Those city councils which utilize the committee system will refer the budget document to the finance committee for study and recommendation. In council-manager cities the manager's budget proposals will be considered by committee-of-the-whole. In most cases the council will have complete authority to alter the budget, making increases and decreases as it sees fit. However, some cities, for example, Boston, permit the council to lower the budget but not to raise it. In San Francisco the Board of Supervisors may increase or originate items for capital expenditures only.³ Students of budgeting ordinarily question the advisability

³ Boston Charter as contained in *Acts of 1924*, Ch. 479, Sec. 3; *Statutes of California, 1931* (California State Printing Office, Sacramento, 1931), pp. 2978-3109, Sec. 72.

of thus limiting the council. They say that the amount to be appropriated is a legislative responsibility which should be placed squarely upon the governing body. These charter limitations on the council's power to appropriate originated through a laudable desire to eliminate pork-barrel appropriations. Many feel that the same end could be accomplished by observing better budget planning and control. The model city charter of the National Municipal League requires the council to increase the anticipated income when it increases the budget total.

The charter should require the council to pass the appropriation ordinance or resolution at some stated date prior to the opening of the new fiscal year. In mayor-council cities the mayor will usually have the power to veto items which have been altered by the legislature. In case of veto the appropriations will have to be returned to the council which may override the veto by an extraordinary majority. In council-manager cities the veto power does not exist.

INDEPENDENT BUDGETS. It is common practice to make certain administrative activities independent of the general city budget. These activities fall into two broad classes: business enterprises, such as water and electric utilities; and cultural functions, such as education, parks, recreation, and libraries. Independent budgetary status for the former is usually justified on the ground that they are business enterprises sustained entirely by their own revenue. Hence, they should be placed on the same financial basis as any other commercial enterprise, free to produce management results. However, they should be required to report their fiscal operations to the governing body and these figures should be printed in the budget document for information purposes.⁴ Budget experts usually frown upon independent tax levies for specific service activities such as parks and libraries. The sponsors of these services argue that city councils and budget agencies were unfriendly to them in the beginning; that adequate appropriations were to be secured only by writing independent tax levies and budgets into the charter. In spite of the

⁴ Marshall E. Dimock, *Government-Operated Enterprises in the Panama Canal Zone* (The University of Chicago Press, Chicago, 1934), pp. 191-211.

measure of truth in this contention, good budget practice would seem to require that all of the non-self-sustaining activities of a city should be included in the general budget. A complete budget plan must be inclusive, impartial, and scientific. A division of municipal revenues embalmed in a charter is likely to satisfy none of these requirements. It will operate against that flexibility essential to good budgetary practice.

Administrative Control of Expenditure

It makes little difference how good a budget plan may be, or how judicious the council may have been in making appropriations, if there are not proper means of controlling the expenditure program. The budgetary experience of the last quarter century has developed simple and effective procedures to accomplish this end.

ACCOUNTING CONTROLS. It is the duty of the chief accounting officer to set up budgetary control accounts. They will conform to a uniform classification of expenditures by departments and objects of expenditure. The same classification will probably be used for accounting control as for the budget document. In council-manager cities the detail on the accounting control ledgers will be greater than was used in the appropriation ordinance. The tendency is toward lump sum appropriations, as in Cincinnati where the appropriations can be printed on a single sheet of paper. The justification for this is that it permits desirable flexibility in budgetary control. Any danger that may result from giving the administrative officers much discretion in determining the details of expenditure is offset by the council's control of the manager. The chief accounting officer is responsible to the manager and he to the council. The latter should set up adequate checks to inform itself whether these officers are fulfilling their trust. Under the weaker charter forms there will be a greater tendency toward detailed or segregated appropriations. This is because the city council has no direct control over the accounting and spending agencies. Hence it will attempt to secure a measure of control through detailed appropriations.

The chief accounting officer (comptroller) will set up his budgetary accounts in accordance with the appropriation ordinance. Where lump sum appropriations are in effect, the amount of detail set forth will be determined by the desire of the city manager and other administrative officials. From the standpoint of current budgetary control, the most important ledger will contain the accrual budgetary accounts. The distinguishing feature of this device is that it shows obligations incurred but not yet paid for. The weakness of expenditure control in most cities, until recently, was that the accounting was on a cash basis. The central accounting office would not have any record of a transaction until a claim was presented for payment. The result was that there were always a large number of obligations outstanding, for which there was no central record. This in turn produced ineffective restraint on departmental spending and lax financial control. Under the accrual system, which has now come into quite general use, no obligation can be incurred until the accounting office has entered the accrual on its ledgers. The sheet containing the budgetary account of any particular administrative agency will enter all obligations incurred. The total of these will be subtracted from the amount originally allocated. The resulting figure will reveal at a glance the unencumbered balance. The comptroller must refuse to accrue or authorize any proposed obligation which is in excess of the amount shown on his ledgers as available under that particular account. This means that the spending agency must either forego the purchase or secure more money for that purpose. The comptroller's refusal to approve the obligation because of insufficient funds will hold up the procurement process. This check by the comptroller on proposed expenditures is known as the "pre-audit."

THE PROCUREMENT PROCESS. Although still far from universal practice in American cities, the centralization of purchasing for all municipal departments in one office headed by a purchasing agent offers indisputable advantages which are overwhelming. The economies which flow from large wholesale orders, standardized equipment and supplies, full-time qualified personnel, centralized stores, and modern procedures generally, are increasingly being enjoyed by progressive municipalities.

FD 21				DIRECTOR OF FINANCE		ACCOUNT NO.	
BUDGET				ENCUMBRANCE RECORD			
ADJUST				ACCOUNT NAME			
BUDGET				DEPARTMENT			
ADJUST							
BUDGET							
ADJUST							
BUDGET							
PICK-UP	DATE	REQUISITION NUMBER	DETAILS OR TRANSFERS	REQUISITION AMOUNT	AVAILABLE FOR REST OF YEAR		
Size of form - 9 1/2"			x 12" - 2" margins right and left		This is the important column.		

Figure 11. Encumbrance Record

The above record is used as a basis for controlling purchases. The appropriations are set up as credits in this record, and purchases, payrolls and other expenses are posted as charges against the department. Whether or not a requested purchase will be approved by the Finance Department depends upon the balance of credits left in the department's record.

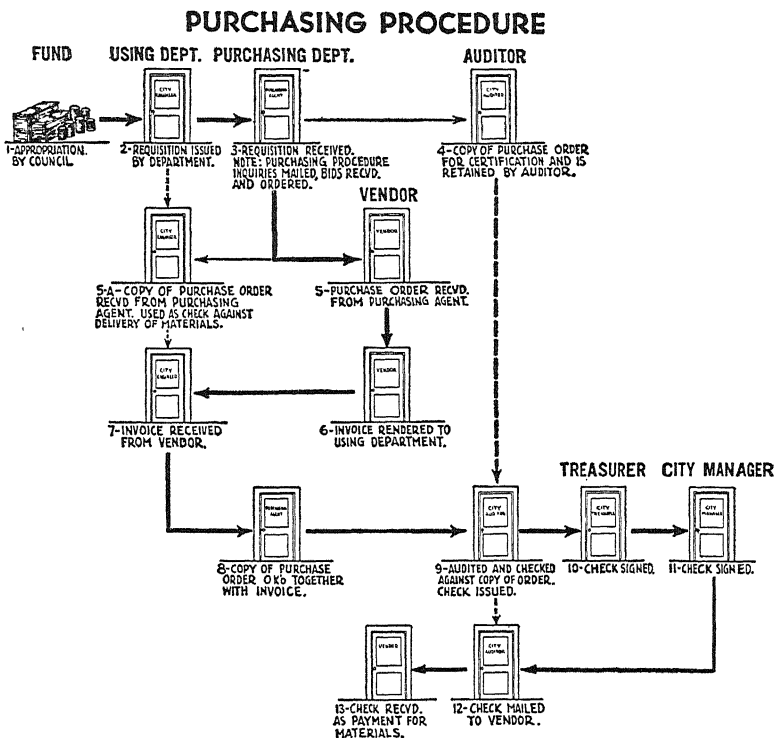
(From Walter O. Harris, *A Municipal General Ledger*, Municipal Finance Officers' Association, Chicago, 1934, p. 37.)

The functioning of budgetary control can perhaps be best demonstrated by following through the manner in which things purchased by the city are procured. A department desiring to make a purchase will fill out a requisition form and send it to the purchasing agent. If the item is of the amount and nature which requires open competitive bidding, the purchasing agent will proceed to advertise for bids. On the other hand, the requisition may be some standard item carried in stock in the city's own stores; or it may call for delivery of goods already contracted for on a yearly basis. When the purchasing agent has completed the purchase negotiations, he makes out a purchase order which he sends to the comptroller. The latter looks on his budgetary control ledgers to see whether funds are available for expenditure for that purpose. If he finds an adequate unencumbered balance, the purchase order will be approved as to funds and forwarded to the vendor. Sometimes the requisition is sent to the comptroller for approval as to funds before going to the purchasing agent. The advantage in such procedure is that the purchasing agent knows before negotiating a purchase that there is sufficient money to complete the transaction. The disadvantage is that the amount accrued on the budgetary accounts is an approximate estimate. This necessitates the comptroller's entering a correction on his ledgers when the invoice comes in for payment.

When the vendor delivers the goods, someone should inspect them to ascertain whether they are of the specified quality and quantity. A receipt-of-goods form should then be made out and sent to the comptroller as authority for the issuance of the payment warrant. The vendor has in the meantime sent an invoice of goods to the comptroller. The latter then proceeds to issue a warrant authorizing the treasurer to settle the obligation. In practice a payment warrant is the same as a check. It says, in effect, that the amount set forth is a legal obligation of the city toward the designated payee. When signed by the comptroller and the treasurer it becomes a check against the bank indicated.

Many cities continue the antiquated practice of requiring the city council to pass on all claims before they are paid. This is a holdover from the day when budget planning was unknown and when most cities were small. The city fathers could main-

tain control of expenditures by requiring the administrative officers to come to them for specific authorizations, a check being maintained by scrutiny at time of payment. However, as cities grew this type of control proved inadequate. The authorizations of the departments to spend expanded beyond the memory of the



presented for payment. Such procedure occupies that body's time unnecessarily when it could better be devoted to urgent policy matters. By increasing the length of council sessions it makes service on that body unattractive to the better type of layman. Finally, it violates the distinction between politics and administration by condoning council participation in the administrative aspects of the budget process.

WORK PROGRAMS AND ALLOTMENTS. Budget procedure should provide some means to prevent premature expenditure of appropriations. If a father budgets \$2,000 a year for his son at college and \$1,500 of that is spent by mid-year, there has not been good budgetary control. Municipal budgeting attempts to meet this problem by devices called work programs and allotments. When the city council has passed the appropriations, the manager calls upon the department heads to present programs indicating how and when they expect to spend the amounts allowed them. For this purpose the fiscal year is divided into monthly or quarterly periods. When the manager approves these work programs, they become executive allotments. They are certified as such to the comptroller, who sets up his accounting controls in such a manner as to hold expenditures within their limits. Thus each department is assured of adequate funds for all periods of the year. There will be no shortage in the last period due to excessive obligations incurred earlier in the fiscal year. This type of control forestalls the frequent practice of requesting special or additional appropriations because of premature exhaustion of regular appropriations. It promotes flexibility in budgetary control, for the programs and allotments can be revised at the end of successive periods. This permits the manager to exercise budget strategy in meeting emergencies as well as in effecting economies. It also has a salutary effect on the departments by placing the responsibility squarely on their shoulders. The department head makes out his own work program; it is not handed down to him from above.

BUDGETARY REPORTS. It is essential that the chief administrative officer be constantly informed as to the current status of budget operations. The accounting system should be so ordered

as to furnish him automatically the pertinent facts on both revenues and expenditures. He will want summary totals on such items as follow: (1) Revenues collected, as compared to estimates to date; (2) the same for each particular class of revenues; (3) expenditures to date as compared to estimates; (4) the same for each principal organization unit; and (5) surpluses and deficits for each of the above categories. These data should be contained in reports which come to his desk periodically, every week, fortnight or month. The new mechanical accounting systems will yield a balance sheet showing this information at the close of each day's business. With these figures at hand the chief administrative officer will have facts on which to base his budget strategy. If revenues are short of expectations he can inaugurate an economy program. If they prove to be in excess of estimates he can loosen up on items where allotments had been rather penurious.

A well-run city will find it advisable to maintain a system of cost accounts. Departments whose operations are measurable in physical output have been found to be more amenable to cost accounting than others where the service is intangible. For instance, it has become accepted practice to secure costs on street cleaning, street repair, refuse removal, and the operation of motor vehicles. Such costs aid in estimating budget needs and tend to set comparative standards of operation. They have the added advantage of requiring records of all municipal transactions. Reports which are made to inform the cost accountant also serve to prevent corruption. The employee who wilfully makes an incorrect entry opens himself to the felony charge of falsifying a public record. If all operations are made a matter of writing, potential malefactors will incline toward the righteous path. This will be especially true when it is known that their utterances will be subjected to the scrutiny of an effective audit.

Auditing

There are two types of auditing: internal and external. The former should be conducted by the administrative branch in order to assure itself that all of its agents are conducting themselves properly. The chief accounting office should have a corps of

traveling auditors whose duty it is to check the fiscal transactions carried on by all municipal subdivisions. They will count and verify the money and securities in the treasurer's office; audit records of those departments which collect money; and go over the books of the subunits which maintain their own accounts. In the chief accounting office there will be other auditors who will check the accounting forms which flow through that office. This whole system will fit into an elaborate network of internal checks. When operating properly, it will see that every transaction involving finance, however trivial it may seem, will be subjected to the cross check of some other individual or agency. The one who collects the money at the window will not be the same one who fills in the statement of the amount due. Serial-numbered stationery will force an accounting for all papers used, identical carbon copies going to several separate persons. With all records having to be accounted for by number, and with the certainty of cross-check and audit, the temptation to falsify will be effectively discouraged. In many respects these internal checks are more important than the outside audit.

One of the most important internal checks is the pre-audit of purchase orders described above. This is the procedure wherein every proposed obligation is presented to the chief accounting office to be entered on its budgetary control ledgers. It is the duty of the comptroller to refuse approval of each proposal to spend which is illegal, or if there are insufficient funds in the account to be encumbered.

The second type of audit is the independent or external audit, often referred to as the post-audit. It is not a substitute for the internal audit or vice versa. Both are essential to good fiscal administration, although the independent audit could be dispensed with more readily than could internal checks. The latter should be greatly strengthened where there is no independent audit. Some would even go so far as to say that because of the cost involved in an independent audit strong internal checks may have to be substituted for it in those large cities where a thorough audit would be very expensive.⁵ The independent audit receives

⁵ Conversation with C. H. Chatters, Executive Director, Municipal Finance Officers' Association, Chicago.

its name from the fact that it is conducted by someone outside the administration. The object is to obtain an unbiased check by disinterested parties who would have no incentive to overlook discrepancies and produce a "whitewash" report. It is generally thought that the independent audit should be conducted by someone responsible to the city council. In some states it is carried on by a state agency. It is a frequent practice for the city council to contract with a firm of accountants to make the outside audit. This is quite acceptable practice when competitive bidding does not enter into the selection of the auditor. Auditing is a professional service which should be engaged on the basis of the prevailing rate for the time required to complete the task in an acceptable manner. Competitive bidding on this type of work may tend toward slighting the job to fit the price.

Some cities have an elective officer called an "auditor," who very often is more of a chief accountant than an auditor in fact. He is required to keep the accounts of the city and maintain control over appropriation expenditure. This is objectionable on two grounds. It places a professional and technical office in the elective category, thus subjecting accounting control to political vicissitudes. It also creates that unfortunate confusion of accounting and auditing functions which is so prevalent in the United States. Accounting is a tool of management and as such should be controlled by the chief administrative officer. On the other hand, the independent audit is a check on management and should be performed by someone outside the administration. The administration should keep the books of account; the outside auditors should keep no books, for it is merely their job to check those who do.

State Administrative Control

State administrative control consists of supervision of municipally performed activity by some state administrative agency. This form of state intervention in city affairs has been especially marked in the field of financial administration. It is quite understandable why the movement in this direction should be accelerated during an industrial depression such as that of the 1930's. The demand for state control usually flows from specific abuses

and local mismanagement. No cataloguing of the extent of the various types of control can be attempted in the brief space available.

It should suffice to list the most prevalent forms and make some comment as to the results and general efficacy of the movement.

1. The most widely publicized form is probably the "Indiana Plan" which permits a small group of taxpayers to protest either a proposed bond issue or tax levy before the state tax commission. This body has the power to lower a budget or tax levy and to reduce or reject a bond issue. It can act only when an issue is brought before it upon a petition of local taxpayers.⁶
2. In several states the cities' accounts are audited periodically by state auditors.
3. The accounting forms and systems are prescribed in a number of states.
4. Quite frequently the cities are required to render to a state agency a periodical report of financial transactions.
5. In North Carolina, a state commission administers all debt flotations and sinking fund investments.⁷
6. In New Jersey and Massachusetts, state commissions have been appointed to take over the management of insolvent cities on a sort of receivership basis.⁸
7. State grants-in-aid are very widely prevalent. Under this device the state assumes varying degrees of supervision and control over particular local activities as a condition for giving state money to help pay the costs.⁹
8. In New Mexico, the state tax commission reviews local budgets with the power to reduce them. This differs from the Indiana plan in that the New Mexico body need not

⁶ Frank G. Bates, in Marshall E. Dimock and C. C. Haines (Eds.), *Essays on the Law and Practice of Governmental Administration* (The Johns Hopkins Press, Baltimore, 1935), pp. 229, 259 ff.

⁷ B. U. Ratchford, "The Work of the North Carolina Local Government Commission," *National Municipal Review* (June, 1936), Vol. XXV, p. 323 ff.

⁸ Arnold Frye, "State Receiverships of Insolvent Municipal Corporations," *National Municipal Review* (June, 1936), Vol. XXV, pp. 319-322.

⁹ *Report of the New York State Commission on State Aid to Municipal Subdivisions* (Albany, 1936, Leg. Doc. No. 58), 357 pp.

wait for a petition of taxpayers; it can initiate review on its own motion.¹⁰

Municipal officials are usually opposed to state administrative control. They state two principal reasons for this stand: violation of home rule principles and state incompetency. It is maintained that the supervision of cities by state agencies is contrary to the principle of municipal home rule. Again, it is charged that the states have not demonstrated administrative competence superior to the cities, and in many cases state administration of state affairs has been decidedly inferior to city administration of city affairs. Flowing from this objection is the statement that in many cases the state administration is more controlled by politics than are the better administered cities.

Two recent studies by university men look with favor on the extension of state supervision. Professor Frank G. Bates finds sufficient worthwhile accomplishment in the Indiana experience to recommend the establishment of a state department of local government. Such a unit would supervise the cities in such activities as personnel, purchasing, accounting, auditing, incurring debt, and public works contracts.¹¹ A Harvard publication finds that state administrative control in Massachusetts has "wrought great improvement in the financial condition and practices of the cities and towns."¹² It is further stated that this control has buttressed and aided, not impaired, home rule. This is largely due to the fact that the state authorities have approached their task in a conciliatory manner, soliciting friendly co-operation, instead of issuing peremptory and coercive orders from above. An Iowa study has also found decided benefits flowing from the state audit of cities in that commonwealth.¹³

A noteworthy recent event in the field of state administrative control was the enactment by the New Jersey legislature in 1938 of several recommendations of the Princeton Local Government

¹⁰ Wylie Kilpatrick, *State Administrative Review of Local Budget Making* (Municipal Administration Service Pub. No. 3, New York, 1927), p. 7.

¹¹ Bates, *loc. cit.*, p. 268.

¹² Royal S. Van de Woestyne, *State Control of Local Finance in Massachusetts* (Harvard University Press, Cambridge, 1935), p. 163.

¹³ Ruth A. Gallaher, "The Administration of Municipal Finance" in Benjamin F. Shambaugh (Ed.) *Applied History* (State Historical Society, Iowa City, 1930), Vol. VI, pp. 140-141.

Survey.¹⁴ There was created a State Department of Local Government headed by a commissioner selected by the legislature in joint session for a five-year term. He is chairman of a Local Government Board, the other four members of which are appointed by the governor. One of the principal objects of the legislation was to prevent the widespread practice of borrowing to finance current expenditures. Instead of planned budgeting, the practice prevailed of drifting along by piling up an ever-increasing floating debt which pyramided from year to year. The law required certain budget procedure and gave the Local Government Board power to amplify it by rule and regulation. By the way of enforcement, each municipality was required to submit its budget to the commissioner. The latter was given no discretion to judge the wisdom of expenditures; he was required merely to examine the budget to see whether it met the requirements of law and rules of the Board. A local government body may appeal to the Board a budget which the commissioner has refused to certify. If the Board's decision is appealed to the courts, the commissioner's revised version of the budget shall go into effect until a court shall rule otherwise.

As already indicated, the principal objective of the law was to make local governmental units operate on a "cash basis." Its provisions are aimed primarily at those whose finances are not in a healthy condition. Cities which are functioning normally will not be affected as to the exercise of discretion. They will run into the net of routine accounting supervision, but if they are clean they will go through the meshes. The commissioner and Board are given ample power to deal with the weak situations by means of audit, rule, inspection, and reports.¹⁵ The state league of municipalities was opposed to the legislation.

It would seem that, while there is merit in the objections to state supervision voiced by city officials, there are nevertheless counterbalancing advantages. This is especially true where the

¹⁴ New Jersey Citizen's Committee for the Princeton Local Government Survey, Memorandum "A," *Memorandum on Legislative Proposals, 1938* (Plainfield, New Jersey, 1938), 25 pp.; same author, Memorandum "B," *Local Government Acts 1938*, 70 pp.

¹⁵ These statutes can be found in the New Jersey session laws of 1938, Chs. 127, 128, 158, 159.

state agencies are manned by permanent officials with a professional outlook. The arguments in favor of uniformity and standard practice in such matters as accounting and statistics are very strong indeed. There is little question that the trend toward state supervision will continue. Its ultimate usefulness will be determined by the tact, wisdom, training, and freedom from political vicissitudes of the state officers charged with the work.

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CHAPTER VII

PERSONNEL

When an organization achieves a certain size, it becomes advisable to set up a central personnel agency. It is not possible to state at just what stage in a city's growth this step is necessary. Suffice it to say that when there are more than a thousand on the payroll the services of a personnel officer will be found helpful. The layman is inclined to regard the giving of examinations as almost the sole task of such an agency. However, there are many personnel activities which have to be carried on even where employment is not based on formal examinations. These include the classification of positions, determination of rates of pay, keeping a roster of those in the service, and checking payrolls against this roster. Other personnel activities include administering a system of service (efficiency) ratings and maintaining personnel records. The central agency will also make studies and report to the rule-making bodies its recommendations on a wide variety of subjects. Among these items will be vacations, time off, sick leave, order of lay-off because of lack of work, re-employment, and overtime pay. In a large number of jurisdictions the personnel unit will exercise quasi-judicial duties in connection with hearings involving discipline, suspension, and removal. Conducting training programs, steps to be taken in fostering morale, and the conduct of a retirement system are also regarded as coming within the personnel orbit. An ideal personnel set-up would be concerned with the safety and welfare of the employees. Hence it is evident that, taking a broad view, personnel administration has widespread ramifications.

The Merit System

The procedure whereby all personnel activities are conducted with reference to the comparative merit of the parties concerned

is known as the merit system. This is in contrast with the practice wherein appointment and subsequent progress are determined by party membership, personal friendship, and reward for political aid. The latter, known as the "spoils system," prevailed almost exclusively in the nineteenth century. However, the last two or three decades have seen steady progress toward the merit system by the adoption of what is popularly known as "civil service." According to one estimate, "it is not unlikely that more than 70 per cent of all municipal workers in the United States are on the payrolls of cities and towns that are under the merit system to a greater or less degree."¹

While "merit system" and "civil service" are generally interpreted to refer to the same thing, in practice one may exist without the other. For instance, it is not at all rare to find all of the mechanics and trappings of civil service operated by spoilsmen for spoils purposes. Facts uncovered by a certain bureau of municipal research show that in that city civil service examiners changed with each party or factional turnover, there being four different examiners in four years. It was found that civil service examinations were used as a means of dispensing patronage. In one examination given by the commissioners themselves, the six highest had intimate affiliations with the politicians in power.² W. E. Mosher found the civil service set-up in Cincinnati, prior to the present régime, manipulated by a "patronage committee."³

There are, on the other hand, some cities which have a merit system in fact without formal civil service. This is especially true of those municipalities which are observing in practice the spirit of council-manager government. City managers as a class tend to be lukewarm, to say the least, toward an orthodox civil service régime. This is because they resent the restrictions which civil service would place on their power over such operations as recruiting, discipline, and removal. The managers are perfectly

¹ William C. Beyer, "Municipal Civil Service in the United States," Monograph 8 in Commission of Inquiry on Public Service Personnel, *Problems of the American Public Service* (McGraw-Hill Book Co., Inc., New York, 1935), pp. 87-88.

² Schenectady Bureau of Municipal Research, *Bulletin* (January 12, 1935), Vol. VIII, No. 1, p. 4; *ibid.* (February 20, 1935), Vol. VIII, No. 4, p. 16.

³ Lent D. Upson (Ed.), *The Government of Cincinnati and Hamilton County* (City Survey Committee, Cincinnati, 1924), p. 153.

sincere in this attitude, being in no way actuated by ulterior spoils motives. They are influenced solely by management considerations. In common with many other operating executives, they tend to oppose personnel regulations which hinder the exercise of proper managerial discretion. Many true friends of the merit system agree with them that inflexible negative safeguards of security may operate contrary to the merit principle. For, after all, merit works both ways: incompetents, misfits, and wrongdoers should be subject to removal in the interest of the service.

Although a merit system might exist without benefit of a formal civil service, its continued success depends solely upon the good intentions of the administrator who is in charge of the unit or jurisdiction at the moment. With a few exceptions, experience would seem to indicate that successful merit systems which have stood up over a period of considerable time have depended upon some type of law and not alone upon the wishes of an administrative officer.

This discussion of a possible distinction between "civil service" and the "merit system" is not intended to create distrust of civil service. Its objective is merely to caution the reader against accepting the form without the spirit. Theoretically civil service regulations embody one form of merit system. However, the mere adoption of a civil service law will not insure automatically the operation of merit principles. Moreover, in fighting the spoilsman, friends of the merit system should not hamper good public management by enacting negative restrictions which place an undue premium on security. On the other hand, managers and operating executives should learn to distinguish good personnel procedure from the unwise security racketeering which they justly distrust. Too often a manager follows personnel practices known only to himself and not based on sound principles, which is the other extreme. The remainder of this chapter will treat briefly of the essentials of a personnel program, using the term "personnel administration" in preference to "civil service."

The Personnel Agency

There are almost as many ways of organizing a personnel agency as there are such units in existence. Nevertheless, it is

perfectly possible to reduce them to two or three general classes without becoming vulnerable to the charge of excessive generalization. There are three main types of personnel agencies: (1) the independent type; (2) the completely integrated type; and (3) the partially integrated type. Within each of these categories will be found variations which, while often considerable, are nevertheless insufficient to nullify the distinction.

The independent personnel agency, as the name implies, is separated from the administration. It is usually controlled by a commission of from three to five members appointed by the mayor with the advice and consent of the council for overlapping terms. Sometimes there is the proviso that two political parties must be represented. The independent type of agency is founded on the assumption that those in political control of the city administration cannot be trusted to administer a merit system. Hence, an attempt is made to guarantee a merit system by insulating it, through organization devices, against political manipulation.

The integrated types place personnel functions directly under the chief administrative officer. An example of the completely integrated type would be found where all of the personnel work is delegated to a personnel director appointed by and responsible to the city manager. Such a situation exists in many council-manager cities without formal civil service. The partially integrated type is aptly illustrated by Cincinnati where the director of personnel is appointed by the city manager, but an independent commission makes rules and holds hearings. The members of this commission are appointed one each by the Board of Directors of the University of Cincinnati, the Board of Education of the Cincinnati School District, and the Mayor. The city manager's personnel director acts as secretary to the commission, having the power to select his own staff. The sponsors of these integrated types argue that personnel management is logically one phase of administration. If this be true, it should be placed inside the administrative set-up rather than outside. They say that the old negative "watch dog" attitude toward personnel activities failed to produce the merit system it so ardently championed. If the new public managers are trusted they will produce a merit system in fact rather than a web of negative restrictions

based on distrust. It is stated that the personnel régime of the future must be positive and progressive, an end to be achieved only if fostered by management itself.

The only possible judgment on these contentions would seem to hinge on political environment. In many council-manager cities public management has become divorced from politics in fact as well as in theory. Under such circumstances the integrated type of personnel agency is not only possible but advisable. However, the independent civil service commission, if manned by persons of courage and integrity, can be an effective bulwark against spoils manipulation of the merit system. It will undoubtedly continue to exist in those American cities where the merit system must be on the defensive.

STATE ADMINISTRATION. In Massachusetts all municipalities are subject to the jurisdiction of the state civil service commission. The latter administers examinations and performs other personnel activities for the cities.⁴ In contrast to Massachusetts where state administration is compulsory, New Jersey permits cities to decide for themselves whether they will submit to state administration. In the latter commonwealth the state civil service commission has taken over personnel activities for more than twenty counties, cities, school districts, and townships. While the number of units seems small, they actually include about 70 per cent of the county and municipal employees in the state.⁵ In New York and Ohio, cities are subject to state administrative control in personnel matters. They have their own personnel agencies but are subject to the supervision of the state. One gathers that the state administration system is working out satisfactorily in New Jersey where participation is voluntary. New Jersey has also had for some years a state personnel agency with a high reputation for professional and technical competence. A recent study of the Massachusetts situation indicates that "state administration of local civil service has aroused so much political antagonism and caused so much political friction that standards

⁴ George C. S. Benson, *The Administration of the Civil Service in Massachusetts* (Harvard University Press, Cambridge, 1935), 90 pp.

⁵ *The Twenty-Seventh Annual Report of the New Jersey State Civil Service Commission* (Trenton, 1934), pp. 31-32.

were lowered rather than raised.”⁶ The result has been uniform mediocrity, whereas under home rule a certain few cities might have achieved distinctive personnel administration.

California cities are now authorized to contract with other public personnel agencies to carry on their personnel activities. In 1936, several of the cities of Los Angeles County entered into such arrangements with the county civil service commission, and the California State Personnel Board performs technical services on contract with cities and school districts. These experiments will be watched with more than ordinary interest.

Recruiting

In the mind of the public the most important phase of personnel administration is giving competitive entrance examinations. Indeed, this activity probably does occupy the preponderant portion of both the time and expenditure of the average agency.

Tests are announced and advertised through bulletins containing such information as duties to be performed, experience and training required, basis of test, and salary to be paid. These bulletins are distributed to a select mailing list and posted on bulletin boards in public places. Applicants come to the office of the personnel agency to fill out application blanks. On the basis of the information secured in this manner a certain number are excluded because they lack the minimum qualifications. Examinations for municipal services are usually assembled, that is, all of the testees are assembled in a single room where the written test is administered simultaneously to all. In some cases it is necessary to engage huge auditoriums and test from two to five thousand at a time. This was particularly true of tests for clerks during the depression of the 1930's.

Tests usually consist of two parts, the written and the oral. Formerly civil service commissions made wide use of the free-answer type of test, known to college students as essay examinations—the familiar blue book. The testee was supposed to write all that he knew about a comparatively small number of questions. However, in recent years the personnel agencies have tended to

⁶ Benson, *op. cit.*, p. 78.

prefer the so-called objective or short-answer tests. These consist of at least two hundred multiple choice, true-false, and completion questions. They have the advantage of objectivity, there being practically no dispute as to whether the answer is adequate. They are easy and cheap to correct, a decided factor in their favor where thousands participate in a single test. Furthermore, probably a majority of personnel technicians tend to regard them as far more selective. On the other hand, there are those who believe that the short-answer tests tend to place a premium on ability to absorb and retain masses of factual material. They point out that such ability may have no relation to power of analysis and the functioning of the reasoning process. However this may be, it is quite certain that the short-answer forms will prevail in public personnel agencies because they are convenient to administer and correct, and they tend to relieve the agency from accusations of favoritism in the correcting process.

The testing process in the better personnel agencies tends to be based upon statistical and psychological procedures. The young person desiring to train himself to become a public personnel technician should make generous provision in the college schedule for courses in mathematics and psychology. The correction of tests is frequently based on statistical computations which fit the various sections or batteries into each other. Furthermore, research in test procedure consists largely in running statistical analyses of test results. The information so acquired is filed on cards, becoming an invaluable storehouse of material for use in the preparation of future tests. While the psychological approach to test procedure is the prevailing trend, it should not be assumed that municipal agencies are making wide use of psychological or intelligence tests. These have a political hazard. Politicians and pressure groups representing classes with lesser formal education demand that tests be "practical." Test questions are peculiarly vulnerable to a ridicule hazard. Furthermore, it has been said that certain widely known tests can be purchased for their enrollees by coaching schools. The result is that the agencies tend to experiment with caution.

The oral interview is a separate part of the test with its own weight of 3 to 5 points out of 10. It is justified on the basis that

written tests cannot evaluate those intangible personality factors which are so important. The oral test is merely an interview with an examiner. Sometimes a representative of the employing department and (or) a disinterested specialist from outside sit as an oral board. The result of the oral interview is computed and figured in with the mark achieved on the written test. There is almost a universal requirement that veterans of the United States military services be given a preference of from 5 to 10 points in addition to their earned scores. The names of those who have passed the examination are placed on eligible or appointment lists in the order of score achieved, the highest at the top.

The department head who wants to employ someone will request the personnel agency to certify names in the class desired. The usual rule is that, if there is to be but one appointment, three names shall be certified. It is sometimes stated that three names should be certified for each position to be filled, but this might work out disastrously to the merit principle. For instance, if six positions were to be filled from an eligible list containing only twenty names, eighteen would be certified and the lowest would stand as good a chance of appointment as number one. The favored practice would seem to be to certify three names for the first position and one each for all additional. Thus if six positions are to be filled eight names will be certified.

It may sometimes happen quite justifiably that the personnel agency will not have an eligible list for a particular class. This is due to the fact that a class contains only one position in which there has not been a vacancy for years; or, it has been physically impossible to keep up with the testing program. In that case the appointing officer will be permitted to make a temporary appointment from his own choice. This power has been frequently abused by utilizing it to evade civil service. Some cities have had hundreds, or even thousands, of these "temporary" employees. The worst part of it is that they are often retained for years with no effort to replace them with appointees duly certified from examination eligible lists. However, every abuse generates its own antidote. In this case it is to provide in the law that particular individuals shall work as temporary appointees for only three or six months in any one year, and that no position shall be filled

by a temporary appointee for more than three or six months in a single year.⁷

After a person has been regularly appointed to a position after certification from an eligible list, he is not yet a permanent employee. He must serve a probation period, usually lasting six months. During this time the appointing officer may remove him without recourse. Such procedure is justified as a check on the examination process. It is impossible to administer tests which will eliminate the incompetents, misfits, and shirkers with unerring precision; hence the probation device which permits observation of performance on the job to supplement testing procedure. The only difficulty with this admirable idea is that it is not used in practice. Personnel authorities complain that a probationary appointment is in effect a permanent appointment because departmental officers seldom make removals during the period of probation.

A Career Service

American governmental services have not been organized on a career basis, a situation especially true in the field of municipal personnel. The advocates of a career service look with approval on the British national civil service. There entry confined to early ages is followed by opportunity to advance by well-defined stages within each of a few categories. Recently a group of distinguished Americans composing the Commission of Inquiry on Public Service Personnel, issued recommendations along similar lines.⁸

Under this plan the service would be divided into five main divisions: administrative, professional, clerical, skilled and trades, and unskilled. Entrance would be limited to an early age running from 18 to 28 years, the maximum depending on the amount of pre-entry training required. The latter would be for the professions where pre-entry training is long, but the average

⁷ Provisions of this nature were placed in the California constitutional amendment of 1934 pertaining to the state service; and in the California statute of 1935 empowering school districts to set up a personnel commission for non-certificated employees. *Statutes of California, 1935* (California State Printing Office, 1935), pp. 1745-1751, Ch. 618.

⁸ Commission of Inquiry on Public Service Personnel, *Better Government Personnel* (McGraw-Hill Book Co., Inc., New York, 1935), pp. 25-36.

WANT A POSITION IN THE GLENDALE CIVIL SERVICE? THIS IS HOW YOU GET IT!

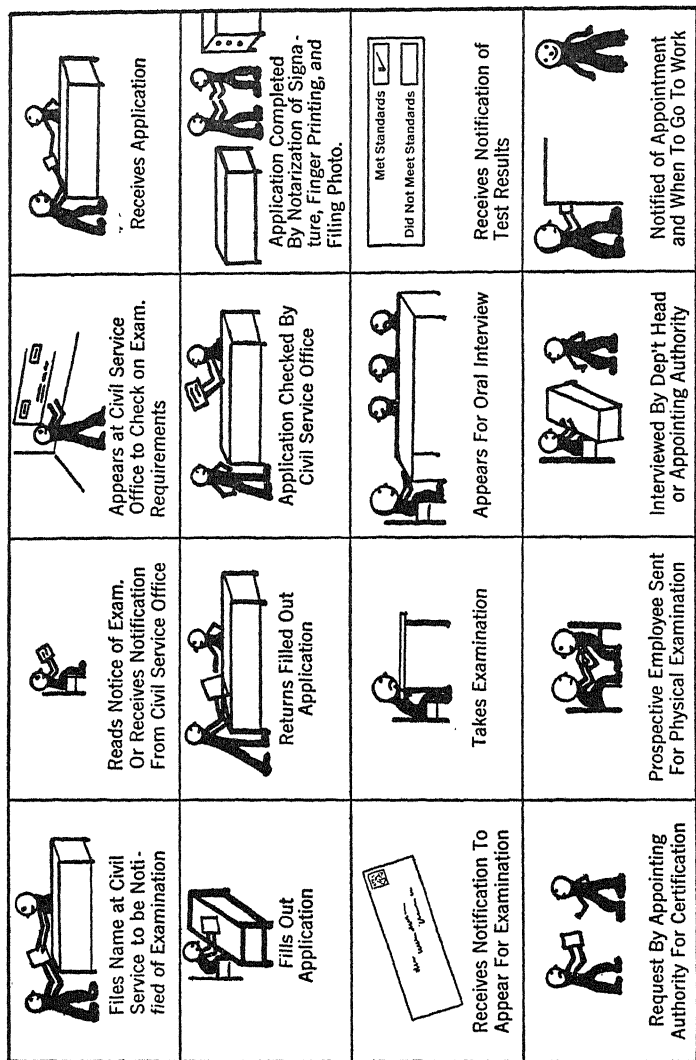


Figure 13. Chart Showing the Procedure Through Which an Applicant for a Civil Service Position in a City with the Merit System Must Go to Obtain an Appointment
(*Glendale Civil Service Commission, Theodore L. Sharp, Chief Examiner.*)

entrance age would probably be from 20 to 22. Advancement within each of these broad groupings would be open to all upon the basis of demonstrated proficiency. Retirement with adequate pension payments would take place automatically at designated ages.

Spoils politics is not the sole obstacle to bringing about such a career service in American municipalities. There is a deep-seated and sincere aversion toward discriminating against age. Low maximum ages for civil service examinations always encounter tremendous resistance. There is the omnipresent argument that age brings superior experience, judgment, and knowledge of the ways of the world. This contention fails to recognize that the experience of a middle-aged person desiring to enter the civil service is likely to be that of the derelict, the ne'er-do-well, and the drifter.

A large number of the pressure groups having great influence on local administration resist age limits which would discriminate against their members. Thus veterans of the World War would be largely excluded by a maximum age limit of 40. There also prevails a sort of Jacksonian philosophy that everyone has an inherent right to take a civil service test irrespective of age, experience, or training. The American white-collared and working classes have an inherent distrust of any device aiming to distinguish between individuals on the basis of merit. That is why low maximum age limits and pre-entry training requirements are difficult of adoption; hence the resulting lag in the career service idea.

There are many other influences which in practice operate against the maintenance of a true merit system. Among the most important are veterans' preference and the requirement that only residents of the city may seek employment. The usual practice is to add five or ten points to the earned test rating of the veteran, thus placing him ahead of non-veterans who have a higher earned rating. Residence restrictions operate against a career service by prohibiting advancement from a smaller city to a larger city. One's career opportunities are confined to his own city, and thus many promising young persons who might otherwise be attracted to the service are deterred.

Rating Merit After Entry

Many phases of personnel work would be facilitated by a reliable method of rating the comparative value to the service of individuals, judged on a performance basis. Such ratings could be used as criteria for salary advances, lay-offs, discipline, and removal. Personnel management has been trying to develop efficiency ratings for years. G. A. Graham aptly describes results :

Regardless of the nature of the form and the character of the organization, there is remarkable agreement in experience with rating systems. Most of the efforts to measure efficiency in this way have been failures. Ratings tend to be either extremely careless or uniformly high, usually the latter. It is hard to make any rating system record average or below average men. When the results are all in, the organization is apparently a repository of genius. If salary increases depend upon ratings, the men climb a few at a time to the higher brackets and stay there. As a result, most rating systems have been very much modified in the course of time, or have been allowed to die.⁹

A hopeful venture in service ratings is known as the Probst System. This plan seeks to be objective by attempting to eliminate personal bias on the part of the rater. The latter is not asked to make a judgment rating ; he is merely requested to scan a list of traits and make a check when he believes that a particular one is characteristic of the individual being rated (see Figure 14). The resulting checks are computed into a score by means of a mechanical scoring device. These Probst reports are in use in a number of jurisdictions. Indifferent administration and un-receptive environment will be fatal to any service rating system. Because Cincinnati seems to have offered the Probst reports both a receptive environment and sympathetic administration, the judgment of that city is reproduced :

Up to this time no better method of evaluating the services rendered by employees than the Probst method has been found,

⁹ George A. Graham, "Personnel Practices in Business and Governmental Organizations," Monograph 11 in Commission of Inquiry on Public Service Personnel, *Problems of the American Public Service* (McGraw-Hill Book Co., Inc., New York, 1935), pp. 397-398.

and for this reason these reports are still in use. All employees in the city service, from unskilled laborers to the highest classes, are now rated according to these reports, which are of much value in making lay-offs, reinstatements, promotions, etc.¹⁰

The depression of the 1930's created the necessity for some sort of lay-off policy. Employees quite universally object to lay-off on a service rating basis, even when such ratings exist. This is also true of the executives and superintendents; they have just as great distrust of service ratings as do the employees. The result was that a straight seniority basis of lay-off was generally adopted. It had the merit of being definite and capable of measurement. The employees in general agree to its fundamental fairness as a criterion. Because it can be figured with mathematical precision, it gives rise to few disputes in its application to individuals. Re-employment or reinstatement lists are also maintained widely on a seniority basis, return to employment being in reverse order to lay-off. The last laid off are the first to return. This tendency to revert to seniority in administering lay-offs is not defended as an ideal procedure. However, in the absence of criteria of merit having the confidence of both management and employees, it is about the only possible method.

The promotion process also calls for some sort of index of merit. Available are service ratings, experience, selective judgment of superiors, and promotional examination. In practice it boils down to the question of whether the superior officer or officers are to exercise uncontrolled discretion in the promotion process, or whether they are to be limited by examinations administered by the personnel agency. Under an ideal system of management there is much to be said in favor of giving department heads a maximum of discretion in determining promotions. In actual practice, however, employees do not have sufficient confidence in the integrity and fairness of department heads to permit such discretion. The result is a tendency toward promotion on the basis of examinations administered by the central personnel agency. Seniority often enters, directly, into the results of such

¹⁰ *Synopsis of Activities Department of Personnel and Civil Service Commission* (Cincinnati, 1934), p. 2.

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THE PROBST SERVICE REPORT

GENERAL FORM

FOR APPRAISING THE SERVICE VALUE OF
EMPLOYEES, SUPERVISORS OR OFFICERS,
OTHER THAN THOSE IN THE POLICE, FIRE,
LABOR, OR EDUCATIONAL SERVICES

The facts and judgments recorded on this sheet
are evaluated by a scientifically constructed pro-
cess and formula, producing a letter rating which
takes into account all the checked items.

RATING

FOR THE SIX-MONTH PERIOD

ENDING _____

NAME OF EMPLOYEE _____

TITLE _____

DISTRICT, DIVISION, OR STATION _____

INSTRUCTIONS

1. On this form you are to report the service value of the employee mentioned above. The report should be for the six-month period shown hereon, unless otherwise indicated.
2. In addition to the blanks to be filled in on this side of the sheet, you should check (with an X) all those items on the other side that you can find which will properly fit or describe this employee. Do not guess; if you are not reasonably sure that the employee possesses the trait or quality indicated by a certain item, do not check that item at all. It is not necessary to check any given number of items. You may be able to check 25 or more for one employee and have difficulty in finding more than a dozen or so to describe properly some other employee. Make your X's small; keep them inside the little squares. Do not change the wording of any item.
3. This sheet should be checked by three supervisors, wherever possible. Each supervisor should select one of the three check columns in which to make his X marks, and should keep all his marks within that same column on both sides of the sheet. The supervisor who is lowest in rank or authority should be the first to check the sheet; then the next higher (or equal) in rank should check; and the one in highest authority should check last. (See direction booklet.)
4. Some items, such as "Good technical training for the work", "Good headwork in sudden emergencies", and a few others, should be considered only if they are deemed essential or desirable for the particular position.

How many days was this employee absent during this
period—(Do not include absence for injury in line of duty
or absence on regular vacation)

BOX 1

(a) For sickness, with pay _____ days

(b) For sickness, without pay _____ days

(c) For personal reasons, with or without pay... _____ days

(d) How many times absent without leave _____

(e) (If there was any other absence, or suspension; or loss of vacation, bonus, or merit; or other penalty; explain briefly here.) _____

Check only one item in each of the following two boxes. Consider not only the punctuality of the employee in reporting for work, but also his promptness in answering calls, keeping appointments, submitting reports, and doing specially assigned work.

	Check Columns			
	1	2	3	
BOX 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nearly always late
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Usually late
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often late (about half the time)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Usually punctual
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Never, or hardly ever, late
BOX 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nearly always quits ahead of time
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Usually quits ahead of time
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often quits ahead of time
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Watches clock too much near quitting time
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Seldom quits ahead of time
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Never quits ahead of time

Identification key to reporting officer		
Column 1	Column 2	Column 3

(Over)

FORM JB 3 (4-38 504)

Figure 14. Probst Service Rating Report

For appraising the service value of employees, supervisors or officers, except those

(GENERAL FORM)

DIRECTIONS: Place an X mark next to each of the items on this page which you know from your own knowledge will describe or fit this employee. Do not guess; check only if you are reasonably certain.

Check Columns			
1	2	3	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lazy
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Slow moving
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Quick and active
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Too old for the work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minor physical defects
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Serious physical defects
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Indifferent; not interested
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Talks too much
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Too blunt or outspoken
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Too much self-importance
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Good team worker
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not a good team worker
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Resents criticism or suggestions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Antagonizes when dealing with others
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Might often be more considerate
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Usually pleasant and cheerful
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Always* courteous
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cranky disposition
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often seems dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often grumbling or complaining
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Uses poor judgment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Might often use better judgment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Generally uses good judgment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Always* uses good judgment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does not do his (her) share of work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Generally looks for the easy work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Must generally be told what to do
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Work often slightly behind
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often needs prodding
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Work always* up to date
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Turns out unusually large amount of work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Steady worker most of the time
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Always* busy at work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does not accept responsibility
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Accepts responsibility
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does not always obey orders willingly
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Visits too much with others
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Needs considerable supervision
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Works well without supervision
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fine self-control; seldom or never loses temper
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Loses temper easily
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Easily rattled or upset
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lacks self-confidence
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Too easy-going
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Learns new work slowly
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Learns new work easily
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Understands instructions readily
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A willing worker at all times
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Takes unusual interest in the work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Might be more orderly
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Very orderly and systematic
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often forgetful
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often does careless work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Makes many mistakes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Usually accurate
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hardly ever makes a mistake
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Accurate but very deliberate
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is highly expert in own work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not generally reliable or dependable
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Usually reliable and dependable
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Always* reliable and dependable

Check one item only, if any.

Check one item only, if any.

Check one item only, if any.

Check Columns			
1	2	3	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Active and strong
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Active but not strong
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Usually careless of personal appearance
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Usually neat personal appearance
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a pleasing voice and manner
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Very tactful in dealing with the public
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Poor technical training for the work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Good technical training for the work
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Poor head work in sudden emergencies
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Good head work in sudden emergencies
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often assigned to other important positions**
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often assigned to fill a higher position**
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sometimes goes on a "tear"
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Drink is one of principal failings
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Willing worker, but is not a leader
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does not plan or lay out work effectively
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Plans work well but lacks snap in getting it done
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unusual ability in planning and laying out work; good organizer
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Makes quick and accurate decisions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Too lenient in maintaining discipline
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maintains good discipline
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lacks decision
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exceptionally skillful in handling difficult situations
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Makes poor sales talk
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Makes good sales talk
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Always tries to please
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Unusually gracious toward customers
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Often not attentive to customers
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Uses good English
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sales volume among the best
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Skilful in overcoming objections
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sales volume below average
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Voice too loud, harsh, or high pitched
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Keeps up fine display of goods
In the following spaces you may add such other items of your own as you believe will further describe this employee.			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
REMARKS			

Use these items only where they apply, especially for supervisory positions.

Use these items only where they apply, especially for sales clerks and others who deal with customers.

*Meaning "with rare exceptions"

**Temporary assignments

Figure 14 (Reverse)

in the police, fire or educational services. (With the permission of J. B. Probst.)

examinations. This results from examination questions favoring those familiar with the work, and from evaluation of experience in the oral portion of the test.

Budgeting Personal Services

A New York Court recently stated that the term "classified civil service" has two meanings.¹¹ That most usually referred to among laymen has to do with a distinction between those positions which come under the merit system and those which do not. In this sense the former is the classified service and the latter the exempt service. However, to the personnel technician, classification has a more specific connotation. It deals with the allocation of jobs and positions to classes on the basis of duties performed, and hence is known as the "duties classification." It is based on the principle that all persons in the service performing substantially similar or identical duties should be placed in a single class. The characteristic of this class should be substantially identical requirements as to age, education, experience, physique, and duties to be performed. Such a class would include all positions with identical duties irrespective of whether they are in the fire department or the budget bureau.

The professional personnel man will tell you that the duties classification is the keystone of personnel administration. The testing process is based upon the duties to be performed and requirements as stated in the class specifications. Avenues of promotion are outlined by an arrangement of classes wherein experience in one qualifies for progress to another. Lay-offs and reinstatements can be determined on a basis of fairness if the classes are clearly outlined on a basis of actual duties performed. Probably most useful is the classification scheme as a foundation for the compensation plan.

While the classification scheme and the compensation plan are not identical, they are nevertheless closely allied. A compensation schedule based on anything except a sound classification plan can hardly be more than a mere series of salary ranges. Normally

¹¹ *Merriwether v. Roberts*, 152 Misc. 57, 274 N.Y.S. 188, aff. 242 App. Div. 458; 275 N.Y.S. 182 (1934).

classification will precede the determination of salaries and wages. The setting of rates of pay is a complicated problem involving controversial questions of social and economic philosophy for the discussion of which space is not available here. In recommending municipal pay rates personnel agencies will usually conduct investigations to learn the schedule for similar work in private employment and other governmental units. Salaries and wages paid by municipalities are generally higher than those of private employers in the great mass of labor and white-collar positions. On the other hand, executives and professional workers on public payrolls usually receive less than their colleagues in the private field.

Compensation abuses will inevitably exist unless a good classification plan is maintained up to date. Without it glaring inequities in pay will exist. A favored stenographer may receive \$2,500 as against \$1,200 for another doing similar work. There will be a tendency to create a new pay scale for every addition to the service. The result will be widespread discrimination and shattered morale. This problem raises the question of what agency should have the power to determine the classification and compensation plans.

There is little question that in an integrated city both the classification and compensation should be subject to administrative determination. Under lump sum appropriations and the type of budgetary control and legislative audit proposed above, there is little chance of abuse. On the other hand, there are the tremendous advantages of taking these purely technical matters out of the immediate hands of the political branch of the government. The city manager's personnel director should possess this authority. However, in cities with weak and disintegrated organization there might be some hesitancy in permitting complete administrative determination. In such a case it could be provided that the city council could create no new class without the personnel agency's statement that no existing class answers the requirements of the proposed position. It could also be provided that the council could make no salary changes if the personnel agency finds that the change would violate the principle of equal work for equal pay. Such internal checks should prevent political

sniping at the compensation and classification plans while retaining basic control in the legislative body. The personnel agency should have the power to enforce its regulations by means of the payroll audit. There should be no payment of salary or wage until the personnel agency has certified that such payment is a legal obligation of the city. This would then give that unit a powerful weapon with which to enforce correct personnel procedure.

RETIREMENT. The federal social security legislation of 1935 specifically excluded public employees from its operation. This means that municipalities will have to provide some means of their own to take care of superannuation. The arguments for compulsory retirement somewhere between sixty and seventy years of age are almost unanswerable. Retirement will create vacancies which will in turn offer work to the younger generation. The service will profit by the passing of those who have entered the years of declining faculties. The incoming youth will bring fresh viewpoints which will tend to counteract bureaucratic stagnation. Those who have devoted a lifetime of faithful effort to the public service will be rewarded by relief from arduous duties with an assured income sufficient to keep them in modest comfort.

Many municipalities now have retirement systems, but they tend to be defective in two principal respects. Their benefits are largely confined to policemen and firemen, and their financial basis is unsound. There is only one sure way of having money on hand to pay pensions when needed. That is by placing the retirement system on an *actuarial basis*. This means that when an employee first enters the service foresighted steps will be taken to provide for his retirement. Out of his first and subsequent pay checks will be deducted amounts which, together with corresponding amounts advanced by the city, will be sufficient to pay his retirement pension. The amount to be set aside in this manner should be determined by an actuary. An actuary is an individual highly skilled in mathematics who is trained to figure the probability or likelihood of things happening. In estimating the needs of a retirement plan he would ascertain the average life of employees after retirement. Using compound interest as a basis,

he would figure how large a sum would be needed to pay retirement annuities for this average retirement period. Then he would have to determine how much would have to be set aside at compound interest during the working years to assure the sum sufficient to carry on the retirement annuity. The difficulty with many retirement plans has been that they have either failed to consult an actuary or ignored his findings. This is due to the fact that an actuarial plan requires the immediate assumption of a burden. Cities have frequently sought to answer the demand for pensions without incurring the responsibility of immediately levying sufficient taxes. They hoped to take care of pension claims as they occurred. To do so they would levy a small tax in order to have some cash on hand. Inevitably such a makeshift policy comes upon the unhappy day when several are ready to retire and there are not sufficient funds in reserve to pay those who have already retired.

The problem of administering a retirement system is mainly one of investment. In a service of any considerable size the actuarial reserve must run into millions of dollars. It must be invested in securities which will be absolutely safe and at the same time yield an income at least equivalent to the interest rate used by the actuary. There is no fundamental reason why purely fiscal aspects of a retirement system could not be administered by the city treasurer. The personnel agency could handle such questions as disputed cases of eligibility to retirement. However, it would seem to be the prevalent practice to set up independent pension boards with complete power to administer all phases of the retirement law.

Discipline and Removal

Orthodox "civil service" systems usually provide that an employee who has been suspended and removed is entitled to a hearing before the civil service commission. The latter may, within its discretion, reinstate the removed party to his position over the protest of the departmental officers. Frequently removals sustained by the commission are appealed to the courts. While the general judicial tendency is probably to abide by the administrative determination, the courts frequently assert their

power to set aside the order of removal.¹² The cases are not rare where the courts have ordered reinstatement with back salary from the date of removal.¹³ Many sincere friends of the merit system regard this as an undue emphasis on security. The private claims of individual employees are overemphasized at the expense of the efficient operation of the service as a whole. Furthermore, it is this type of negative safeguard—"security racketeering"—which alienates those who should be true friends of the merit system, the management group. The latter claim that when they are called upon to defend before a civil service commission the removal of an incompetent or laggard employee, they are placed on trial. The removing officer becomes the defendant and culprit. The experience is so unpleasant that further removals are avoided.

In the federal service the civil service commission does not have the power to reinstate a removed employee. The cause for removal must be made in writing and become a matter of record, but final discretion is vested in the appointing officer. Some, among them the author, are inclined to believe that under this procedure employees are adequately protected against arbitrary and unwarranted removal by the requirement that the successor of the one removed must be chosen from an eligible list. If the testing process is working properly this will thwart removals designed to create places for favored individuals. The latter must have passed examinations and be placed on eligible lists in order to capitalize on this favoritism.

Employee Organization

In the larger cities employees are quite generally organized, both into city-wide general associations, and into functional units, such as police and fire. In the smaller places organization is usually confined to policemen and firemen. These organizations are usually not affiliated with the organized labor movement. One outstanding exception is Chicago, where most of the mu-

¹² *Mitchell v. Mulrooney*, 242 App. Div. 48, 273 N.Y.S. 129 (1934); *State ex rel. Mowre v. Civil Service Commission*, 178 Wash. 325, 34 P.(2d)873 (1934).

¹³ *Barmonde v. Kaplan*, 241 App. Div. 475, 273 N.Y.S. 668 (1934); *State ex rel. Jackson v. City of Seattle*, 177 Wash. 646, 32 P.(2d)1065 (1934).

nicipal service is unionized. In addition, a majority of the firemen of the country belong to an organization affiliated with the American Federation of Labor. During and after the World War there were strong movements to unionize teachers and policemen, but both waned. The Boston police strike of 1919 turned out so disastrously to the union that unionization of police officers has become a dead issue. Employees in the skilled crafts are commonly members of their labor unions. Municipal employee organizations are not often found allied with the militant wing of the labor movement. "White-collar" workers, who form a significant portion of the municipal service, tend toward conservative social attitudes. Nevertheless, organizations have been known to wield tremendous influence on such matters as wage and salary cuts or increases, the inauguration of retirement systems, and provisions relative to lay-offs, promotions, vacations, and sick leave. In 1934 the Los Angeles County Employees Association joined hands with the chamber of commerce to defeat a drastic tax limitation amendment. The result was a decisive rebuke at the polls to militant realty groups.¹⁴

While employee groups are restrained by law from political activity, this is usually construed to mean open espousal of the candidacy of elective officers. The organizations do lobby and conduct publicity campaigns in favor of or against measures affecting their group interests. Where the initiative and referendum are available, they often succeed in writing salary schedules into a charter, obtaining popular approval of a retirement plan, and inserting favorable personnel provisions into the law. With the rapid expansion of the municipal services in recent years, a unified employee group could wield a telling proportion of a city vote. Mayors and city councils are aware of this fact to the extent that they may at times even overestimate employee strength. The result is that employee organizations can usually obtain a hearing. In fact, the group leaders are sometimes very close to the political leaders of the city.

¹⁴ Sterling D. Spero, "Employer and Employee in the Public Service," Monograph 9. Commission of Inquiry on Public Service Personnel, *Problems of the American Public Service* (McGraw-Hill Book Co., Inc., New York, 1935), p. 217 ff. Leonard D. White, *Trends in Public Administration* (McGraw-Hill Book Co., Inc., New York, 1933), pp. 301-308.

Training

Never in the history of America has training for public service received so much attention as at present. The universities are establishing graduate curricula in public administration. Leagues of municipalities are fostering short courses and institutes. Much of this activity is facilitated by the generosity of philanthropic foundations. The problem of training breaks down into two categories: pre-entry and post-entry, the latter being sometimes referred to as "in-service" training.

PRE-ENTRY TRAINING. In the past it has been rather difficult for university graduates without experience and with a general education to enter the municipal service. This was due to the fact that civil service examinations usually asked for experience and specific training for some particular position, such as accountant, engineer, or stenographer. The graduate of the liberal arts college found himself possessed of background, but lacking in experience and specialized skills necessary to pass the tests. This gap is being somewhat bridged at the present time by several devices. In some places, as Los Angeles County, recent graduates are brought in as apprentices or student investigators. After working for a year or so at nominal wages they are permitted to compete for permanent posts. On the other hand, the universities are beginning to graduate people with more specific training in such subjects as statistics, accounting, and psychology. The staff agencies are beginning to appreciate the value of training in these fields and junior positions are being established. College men do not appreciate all of the opportunities for a career in the specialized branches of the municipal services. For instance, the pay, tenure, working conditions, and opportunity for promotion in metropolitan police and fire departments should not be overlooked by the average university graduate. A police inspector or battalion chief of a fire department is probably better paid than the average university graduate who has reached middle age.

University graduates with professional and technical training have entered municipal service in recent years in great numbers. A large city now employs men and women from practically

every type of professional and technical calling. The health department is run by physicians, the public works department by engineers, and the legal department by lawyers. There are certain less well developed professional branches where university training has not fully established itself as a requirement. Conspicuous examples are accounting and social work. The constant pressure to open civil service examinations to as many as possible results in reducing educational standards for entry. Gradually, however, these standards are finding acceptance.

If cities are to attract the best type of American youth to their services they must adopt better classification schemes than they now provide. The classes must be so arranged that they show the paths of promotion, thus offering a progressive career based on merit. As has been intimated, most cities do not now possess such a classification plan. It is to be hoped that the current revival of interest in the merit system will correct this situation.

IN-SERVICE TRAINING. In-service training has been confined almost entirely to police and fire departments.¹⁵ The programs have probably been more effective in the fire than in the police departments for reasons that have great significance. In the first place, firemen have a great deal of idle time while on duty. Hence, they can study and attend instruction at the station while subject to call. Secondly, fire administration is based on technical knowledge which is well established and amenable to instructional processes. On the other hand, our cities are so short of police personnel that the men must attend school and study on their own time, probably after putting in overtime on duty. Moreover, policing technique has not been sufficiently standardized, until recently, to form the basis for a curriculum commanding the respect and attendance of the older men on the force. This latter is the controlling consideration in all in-service training programs. Training has no particular virtue in itself; it must produce some concrete results which justify its existence. This it cannot do unless it is sufficiently meritorious to compel the respect of those for whom it is intended.

¹⁵ Graham, "Personnel Practices in Business and Governmental Organizations," *loc. cit.*, p. 414.

An in-service training program must be based on something more than enthusiasm and advertising effort. University people are likely to overlook the fact that courses given to the rank and file may require sharp variation from university teaching technique. The lecture method will frequently fail to hold the attention of the average departmental employee. Furthermore, sustained training cannot consist of a mere repetition of elementary procedures by one policeman to another. There is a substantial number of programs sponsored by state departments of education based upon the so-called "conference method" of instruction. The idea seems to be that a properly trained conference leader conducts a conference with superior officers. He induces the latter to discuss the important phases of their function, say fire or police. From this discussion there issues sufficient information to enable the conference leader to prepare a discussion manual. The superior officers who engaged in the first conference take this manual and call conferences of those under them. With what they have learned of conference technique and what they knew about their functional calling, it is expected that desirable training accomplishments will result. While this method has a limited adaptation, it is not the answer to the training problem.

Training programs thus far have had another principal defect: they have not given sufficient attention to *what* to teach. It has been assumed that if the men were brought together in a classroom with someone to talk to them that a training program would result. Too often these lectures have been dull repetition of what everyone already knew. What is needed is research and synthesis. The standard and correct practices in the everyday work of a patrolman, a sanitary inspector, or of a street maintenance foreman, must be determined. This can be done only through first-hand investigation by mature and experienced observers—a great deal of field work. After securing the data as to how the various operations are performed in different localities, they should proceed to synthesis. In other words, an effort should be made to formulate standard principles of action or performance. From this effort authoritative manuals of instruction should result and the prime requisite of any training will be provided, namely, easily available and reliable subject matter.

Next will come experimentation with teaching methods. Instead of reliance almost solely on lectures, there should be a trial of the conference method and of laboratory techniques.

There are those who believe that the personnel agency should lead and supervise in-service training programs. Some of our very best public personnel technicians feel that there is a great opportunity for a personnel agency to aid in the training of supervisors. It is felt that municipal administration is weak at the point where people who are not executives, and not particularly well paid, are nevertheless called upon to supervise others. There are many cases of such supervision in the average service. Performance and morale could be greatly bolstered if proper supervision were brought to bear at this point.

THE CITY MANAGERS' PROGRAM. A committee of The International City Managers' Association issued a report on training in 1936.¹⁶ Dealing specifically with the question of producing administrators, it devoted itself largely to the question of the college curriculum and internships. It was agreed that the undergraduate period should consist of a broad general education. The student having inclinations toward a public service career should have the opportunity for conference and guidance with a faculty member qualified to render such service. Specialization should take place in a graduate year devoted to public administration and such related subjects as public finance, public personnel administration, statistics, public law, and public relations. Before the graduate degree is issued, the student should complete an internship of from three months to a year in a governmental agency. College graduates should be provided with an opportunity to gain experience by serving as apprentices directly under a city manager or other administrator. The city manager of Berkeley, California, has had a continuous succession of such apprentices for many years. Several of them are now incumbents of responsible administrative posts. The difficulty with expanding this apprentice program is the requirement of local residence for entry into the service. Even when charters

¹⁶ *Training for Municipal Administration* (The International City Managers' Association, Chicago, 1936), 20 pp.

do not insist on local residence, city councils hesitate to waive it for fear of political repercussions.

The International City Managers' Association has recently established an Institute for Training in Municipal Administration offering extension courses in this field. Home study courses are available in such subjects as organization, municipal government, personnel, public works, fire, police, and finance.

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PART III

PROTECTIVE FUNCTIONS

CHAPTER VIII

POLICE: ORGANIZATION AND PERSONNEL

The American police are commonly thought to be inferior to their European brethren. Yet, there are those who see in environmental and social conditions an utter lack of basis for just comparison. For instance, twenty years ago Raymond B. Fosdick uncovered figures which indicated an American crime ratio largely due to the heterogeneity of the population and lack of cultural assimilation of the foreign born. For example, unpremeditated crimes of passion, not subject to police control, are largely responsible for our high homicide rate. Fosdick also attributed our bad showing to such other factors as the delays in criminal justice, faulty court organization and procedure, and the maudlin sentimentality of the public.

The most difficult and impossible task placed upon American police is enforcement of the sumptuary laws. These include those laws relative to vice, gambling, liquor, prostitution, Sunday closing, and various other prohibitions. Such laws are frequently enacted by minorities which do not intend to observe them themselves. The public in general refuses observance and the police are placed between two fires. They are in the wrong if they fail to enforce; but they are sure of trouble if they do.¹

Much of the calumny heaped upon the American policeman would be greatly modified were his critics to assess the greater difficulty of his job. Charles E. Clark has aptly stated a judicious viewpoint on this subject:

As a matter of fact, a sober scientific comparison, so far as the data are available, of the criminal law administration of the two countries might furnish information valuable and important in suggesting further leads both for study and for

¹ Raymond B. Fosdick, *American Police Systems* (The Century Co., New York, 1920), pp. 3-57.

action, but would not, I believe, demonstrate the overwhelmingly greater success of England, compared to our country in general and not to selected examples, in coping with crime.²

A fair conclusion is that the larger police departments are doing a pretty good job dealing with that type of major crime not intimately related to racketeering and vice. Police science has made tremendous strides in the past two decades. Fingerprints have introduced a feeling of confidence into the field of identification. Laboratory science has seen criminal investigation reduced to methodical procedure. Radio communication has transformed patrol methods, and the patrolman has been put on wheels via the automobile. Police administration has tightened up perceptibly, coincidentally with the increased interest in public administration generally. Administrative surveys of police departments have been made in Boston, Chicago, Kansas City, Minneapolis, Providence, San Francisco, and St. Louis. The new personnel administration is already producing a quality of recruit quite superior to that of past generations. Experimentation in the field of training promises that these boys will possess a knowledge of and attitude toward their positions much better than their predecessors. Notable progress has also been made in the organization of command and control. The recent emphasis on the importance of police record-keeping is a salutary move toward tighter administration. The tendency of progressive police administrators to recognize the importance of crime prevention has an important bearing on the sociological implications of police work. Taken all in all, police administration has improved, definitely, in the past two decades. The darkest page in the record relates to the relation of the police to the suppression and repression of vice.

The explanation of police corruption is a simple and ancient one. Americans are addicted to passing laws which prohibit gambling, prostitution, and the sale of liquor. A large enough proportion of the population wants these indulgences badly enough to pay rather dearly for them. Hence they become very

² Charles E. Clark, "Law Enforcement and Public Administration," *Illinois Law Review* (November, 1935), Vol. XXX, pp. 273, 278.

profitable to a large number of people, many of whom are quite respectable. For instance, lax enforcement may increase the revenues of a large downtown hotel sufficiently to make it a good investment for a local bank or insurance company. A crusading district attorney of the present generation gives actual instances of attempts by prominent people to block his efforts to close houses of prostitution where they owned the premises.³ It is not at all rare to find these respectable beneficiaries of vice identified with institutions whose tenets are in unquestioned opposition to such practices. However, the actual conduct of illicit business is in the hands of a heterogeneous group generically termed "the underworld." This group consists of political workers, gangsters, racketeers, runners, pimps, bootleggers, prostitutes, go-betweens, and pay-off collectors. If organized, even rather loosely, this underworld can exert sufficient political pressure to elect those favorable to lax enforcement. In the first place, it can and will raise a huge campaign fund to be thrown in the laps of its friends. Secondly, a considerable section of any urban population is "liberal," using that term in the sense of being tolerant toward the private conduct of others. Thirdly, a large proportion of the population not an integral part of the underworld has a real interest in maintaining the status quo as to law enforcement. These include those who furnish the services essential to the maintenance of establishments. Night club entertainers, bus boys, waiters, chefs, domestics, and operators of liquor delivery vehicles may not be engaged directly in illicit trade; nevertheless, they can be made to feel an economic interest in keeping the underworld in political power.

The result of all this is that the policeman, who would rather go straight, is required either to close his eyes or compromise with his environment. The Wickersham Commission recognized this situation quite frankly when it said:

The chief knows perfectly well to whom he owes his appointment; he knows when he accepts office that he must in the administration of it yield the interest of the public in the prevention, detection, and prosecution of criminals with polit-

³ Philip S. Van Cise, *Fighting the Underworld* (Houghton Mifflin Co., New York, 1936), 369 pp.

ical alliances, to the powerful protection of his own patrons. The chief, being subject to arbitrary dismissal when by any action he displeases the mayor or politicians who put him in office, must, if he desires to retain office, necessarily be cautious, in the discharge of his duties, to heed the admonitions of his patrons and to follow their often brutal orders to go easy on this or that criminal or criminal gang who are in alliance with his patrons.⁴

Without wishing to defend the erring police officer, one could very well say that he is but an outward manifestation of a social cancer for which society itself is responsible. Police departments are placed in impossible situations when they are asked to enforce laws which considerable sections of the people do not want enforced. Under such conditions the pay-off and underworld control of the police are inevitable. This problem must be solved if American cities are to receive the utmost in police protection, and it should be stated emphatically that blind condemnation of police officers in general is not the answer. Police departments contain large numbers of honorable men possessing the normal virtues. The general citizenry should make their task possible of performance before resorting to carping criticism.

Training

The middle nineteen thirties witnessed a tremendous acceleration of interest in police training. There have been numerous short courses fostered by state leagues of municipalities, state police forces, and state educational institutions. Individual police departments in the larger cities have established a number of departmental training schools. There have also been a few attempts at setting up pre-service training courses on the college level. Taken all in all, it can truly be said that the current status of police training is one of hopeful activity and interest. The numerous projects are for the most part not co-ordinated, spontaneous, and indigenous to the local area. The several curricula and pedagogical methods vary with the individuals and environ-

⁴ National Commission on Law Observance and Enforcement, Report No. 14, *Report on Police* (Government Printing Office, Washington, D. C., 1931), p. 2. This report is frequently cited hereafter as Wickersham Report No. 14.

ments concerned. There are far too few trained and qualified police instructors. The instructional burden falls for the most part on practical and experienced policemen. These tend to establish the confidence of the men in the early stages, but they lack the scholarship and knack for imparting their knowledge essential to a sustained teaching program.⁵

Many older police officers are inclined to be skeptical of training. This is an attitude frequently extending to the administrative and commanding positions. Some officers have even taken the stand that their knowledge of police work is in the nature of property. They have acquired it through years of experience and hard knocks. It now has a sort of scarcity value which should be protected by requiring novices to acquire it by the same arduous process. There are also those who contend that police skill can be achieved only through the school of experience; that the "theory" imparted in a training school would be of no practical benefit to the peace officer on the job. It is only necessary to say in answer to these objections and doubts that they are inspired in self-defense by persons whose vested interest in jobs would be jeopardized by the advent of young, progressive, and trained officers. The same objections were raised to the formal training of lawyers two or three generations back, and of engineers as late as the opening of the present century. The man who comes up through the ranks always assumes a questioning attitude toward schooling. He is entirely sincere about it, in spite of the fact that it is a defense thought mechanism.

Those inclined to sponsor police training programs should not be deterred by the questioning attitude of the older men. However, being forewarned of latent opposition, every precaution should be taken to make the opening sessions reflect practical interest and value. The instructors should command respect by demonstrating beyond a shadow of doubt that they are confident masters of their subjects. Long assigned readings should be attempted with caution. Men who have not been in school for years are disinclined to do much reading. There should be an effort to

⁵ A comprehensive and up-to-date survey of police training in the United States is contained in a study conducted by the University of Minnesota, *Survey of Police Training: Final Report of the Regents' Examining Committee on the Police Training Project* (1937), 71 pp.

stimulate rather than drive in these matters. The maintenance of sustained interest should be striven for by variety in curricula and teaching methods. In certain subjects the lectures might very well be supplanted by conferences, discussions, and laboratory techniques. For instance, it has been found that men who will not listen to a lecture will become deeply engrossed in specific manual and visual operations performed by themselves. These might include taking moulage impressions, bringing out latent fingerprints, and the enactment of the scene of a crime. Care should be taken not to deaden criminal law instruction by loading it down with too much of the impedimenta of the lawyer. The penal code should be taught to the policeman with different emphasis and selectivity than that which is of value to the lawyer. For this reason, it is often dangerous to assume that this is a task which can safely be intrusted to an eminent local judge or attorney.

Police training falls into two general categories: pre-service and in-service. Pre-service police training is almost non-existent. However, mention should be made of one or two noteworthy experiments now in process. San Jose State College, San Jose, California, offers a two-year college course in police work. In 1935 Michigan State College inaugurated a five-year course, three and a half on the campus, followed by eighteen months' apprenticeship in actual police work. At about the same time the Wichita Police Department began collaborating with the University of Wichita in a cadet program. Students who have completed two years of university work and who meet police department requirements are permitted to enroll.

The cadets have the uniform and status of regular policemen. They devote part of their time to college work and part to police duties. The university has set up some police courses on the collegiate level, but much of the instruction consists of enrollment in already existing courses which are presumed to be of special value to peace officers. Pre-service training has also been available at the University of California at Berkeley and at The University of Southern California's Civic Center Division.⁶ It is to be hoped that this movement toward training future police-

⁶ University of Minnesota, *op. cit.*, pp. 14-20.

men on the college level will gain much momentum. It cannot help having a favorable effect on performance standards and public esteem of police personnel.

In-service training is found in several different forms. In the first place, a distinction can be drawn between apprentice and continuation courses. Large metropolitan departments tend toward emphasizing apprentice training, wherein the new recruits are given several weeks of schooling before assuming actual duties. The best known of these is the New York Police Academy. It is an official school run by the department which puts every recruit through a thirteen weeks' course. Similar programs are found in Washington, D. C., St. Louis, and Los Angeles.⁷ While these metropolitan departments do offer some continuation training, the major emphasis is placed on recruits.

A notable development of recent years has been the considerable number of central, regional, or zone schools. Sometimes these have been short courses, intensive as to time and concentration. Examples are those fostered by the Kansas League of Municipalities under the direction of O. W. Wilson of Wichita. Northwestern University's Traffic Officers' Training School has achieved deserved recognition. The zone schools in New York State and Virginia send travelling instructors to specified points on regular schedules. Officers who attend these classes regularly receive a certificate. The Federal Bureau of Investigation has been inviting a selected group of officers from different parts of the country to a twelve weeks' course. The men go back to their departments to become instructors to their colleagues.

It seems appropriate to close this discussion with selected quotations from a comprehensive survey recently made at the University of Minnesota :

. . . For metropolitan policemen, several cities have developed training systems of undoubted effectiveness; and for state police forces, several states have developed similar schools. The best training, in fact, is no doubt being done by the outstanding states and municipalities in connection with their own police departments. Collegiate police training efforts are as yet in the embryonic stage, and even the most effective

⁷ *Ibid.*, pp. 20-21.

have not been in existence long enough to justify themselves entirely. They have encountered difficulty in placing their graduates. The committee found that the short course training offered has been reasonably effective when conducted on the zone plan in localities where the number of trainees is large and the desirable training uniform in type. Elsewhere, the short course schools have been of doubtful permanent value, but they undoubtedly demonstrate both the difficulty and the desirability of providing more effective training.⁸ . . .

It seems clear that for the most part departmental training, even in the large cities, is quite inadequate. In general, too, the emphasis placed upon training varies directly as the size of the city; and most cities below 100,000 offer nothing in the way of training except the advice of an older officer. For almost every small city, a badge is all that is considered necessary to make any man a policeman.⁹ . . .

In spite of the fact that most schools seek the same results no well-conceived and tested methodology of police education can be said to have been worked out anywhere in the country. However plain the reasons for the existing confusion, no less plain is the fact that such a methodology is essential to a solution of the problem.¹⁰

Personnel

If there is one conclusion that stands out in the numerous writings on police in the past few years, it is that the prime requisite of a police officer is a high order of intelligence.¹¹ Police departments have been woefully deficient in this respect. Surveys made in the decade of the 1920's showed that 70 per cent of the patrolmen in representative large cities had completed only an elementary grade school education. They made a decidedly inferior showing when subjected to intelligence tests.¹² Further-

⁸ *Ibid.*, p. 5.

⁹ *Ibid.*, p. 22.

¹⁰ *Ibid.*, p. 30.

¹¹ *Wickersham Report No. 14*, pp. 53-69; August Vollmer, *The Police and Modern Society* (University of California Press, Berkeley, 1936), pp. 216-234; O. W. Wilson, "Police Organization and Administration," *National Municipal Review* (December, 1936), Vol. XXV, pp. 700-705, 713; Leonard V. Harrison, *Police Administration in Boston* (Harvard University Press, Cambridge, 1934), p. 43 ff.; The Citizens' Police Committee, Bruce Smith, Staff Director, *Chicago Police Problems* (The University of Chicago Press, Chicago, 1931), pp. 46-86.

¹² *Wickersham Report No. 14*, p. 53 ff.

more, police forces tend to attract a large percentage of persons of questionable character. When personnel recruiting agencies began fingerprinting applicants it was sometimes found that as many as 10 per cent had criminal records. This demonstrates the value of character investigation in police recruiting. In fact, police recruiting is one of the most perplexing, as well as one of the most important, problems in public personnel administration.

An experienced police administrator has stated tersely but aptly the requirements of police recruits as follows:

They should have a high school education or its equivalent. They should be grade A men as measured by the Army Alpha intelligence test. They should stand five feet, ten inches, weigh 160 pounds in proportion; they should be able to pass a rigorous physical examination. Their character, their home life, their associates, all should be carefully investigated. Personal interviews should be held with former employers and associates. Their home should be visited and the wife or parents interviewed.¹³

It is quite generally agreed that police should be recruited in the twenties. It is a vocation with hazards requiring agility and physical adeptness. The attitudes, techniques, and procedures should be learned while the mind is yet plastic. The types of experience which typical police recruits beyond thirty years of age offer do not contribute materially to success as a peace officer.¹⁴ The older applicants are apt to be misfits and drifters who are attracted to police work by job security and pensions. Moreover, and this should be the principal consideration, police work should not be an occupation into which people should drift. This applies to both young and old recruits.

There should be a conscious effort to recruit the best youth of the nation to our police forces. The pay of metropolitan departments is now quite comparable to that which the average or median educated person is likely to receive in other callings. Intelligent and well-educated people have been traditionally attracted to the military service. However, from the standpoint of pay the

¹³ Wilson, "Police Organization and Administration," *loc. cit.*, p. 700.

¹⁴ The Citizens' Police Committee (Chicago), *op. cit.*, p. 58; Harrison, *op. cit.*, p. 32 ff.

police service in cities of over 500,000 compares quite favorably with the compensation of army officers. This is amply demonstrated in the table which appears in Figure 15 below. It is quite understandable that the military branches should have had a much higher prestige value than police work in the past. Yet, as the world gropes its way toward civilization, international warfare must diminish and gradually cease to exist. The soldier will become extinct and the policeman, whether international or municipal, will become the wise counsellor, social worker, and guardian of maladjusted citizens. The international policeman

	Lowest	Highest	Average	Top Limit with Allowances	
Major General	\$8,000	\$ 8,000	\$	\$9,700	
Chief of Police	6,000	12,500	7,200	....
Brigadier General	6,000	6,000	....	7,500	
Deputy Chief of Police	3,600	9,000	4,495	....
Colonel	3,500	4,000	....	7,200	
Inspector of Police	2,700	9,000	3,918	....
Lieutenant Colonel	3,000	4,000	....	7,200	
Police Captain	2,790	6,300	3,470	....
Major	2,400	3,500	....	7,200	
Police Lieutenant	2,080	4,500	2,819	....
Captain	2,000	3,000	....	....	Plus Allow-
Police Sergeant	1,900	3,500	2,544	....	ances.
First Lieutenant	1,500	2,400	....	....	Plus Allow-
Detective	1,600	4,500	2,398	....	ances.
Second Lieutenant	1,500	2,000	....	....
Patrolman:					Plus Allow-
Entrance	1,600	2,400	1,860	....	ances.
Maximum	2,100	3,000	2,400	....

Figure 15. A Comparison of Compensation Schedules for Officers of the United States Army and Police Forces in Cities of over 500,000.

Army information from *Official Register of the United States, 1938*, pp. 216-217. Information on police from David Wolff, *Salaries and Conditions of Employment of Police Forces in 245 Cities in the United States and Canada* (Municipal Administration Service, New York, 1932), pp. 2-8. Checked and supplemented by *Municipal Year Book, 1939*. "Police Statistics of Cities" (International City Managers' Association, Chicago, 1939), p. 422 ff.

will prevent militarists, supernationalists, international jingoists, and imperialists from instigating wars. The municipal policeman will devote his principal effort to eliminating the conditions which cause crime. He will be a trained criminologist, with more emphasis on brains than brawn.

The police recruit should have a high school education, a standard far from being achieved. However, the amount of formal education needed for entrance is increasing quite gratifyingly in recent years. It seems to be fairly well agreed that a prerequisite for becoming a policeman is a respectable score in an intelligence test, such as the Army Alpha.¹⁵ Intelligence alone will not make a policeman. Some highly intelligent persons might be temperamentally unfitted for police work. Nevertheless, intelligence is a very important factor in recruiting peace officers.

There is now evident a tendency to criticize those mental tests which lay great emphasis on mere information which is detailed and routine in nature. This includes knowledge of the city charter and ordinances. Frequently the location and identification of public buildings and places are asked. These merely test one's ability to "cram" for an examination. They do not get at those fundamental qualities which make for police aptitude. The same criticism might be directed toward tests covering criminal law. While it is essential that a policeman know his penal code, an entrance examination heavily weighted in that direction will narrow the field of applicants and result in questionable selectivity. It seems to be fairly well agreed that such items are best taught by the police department itself after entrance. Progressive opinion on this point is aptly expressed in a recent survey report as follows:

The examinations themselves are concerned with a rudimentary knowledge of criminal law, city ordinances and local geography, among other matters. These are admittedly subjects which have a bearing upon the performance of police duty. They are not, however, matters on which the Police

¹⁵ John R. Searles and J. M. Leonard, *Experiments in the Mental Testing of Detroit Policemen* (Detroit Bureau of Governmental Research, Inc., Report No. 141, 1936), 54 pp.; Harold S. Diehl and others, *A Personnel Study of Duluth Policemen* (The University of Minnesota Press, Minneapolis, 1933), pp. 8-12; Vollmer, *op. cit.*, p. 229; *Wickersham Report No. 14*, p. 59.

Department can afford to delegate the duty of instruction to outside agencies. They involve questions which require uniform curricula and training for all recruits and systematic instruction from the police viewpoint, such as is recommended in this report. In addition, the civil service examinations in these subjects do not adequately test either native intelligence or police aptitude. It is accordingly recommended that intelligence and psychological tests be substituted for them.¹⁶

It is evident beyond necessity for comment that police should be good physical specimens. The minimum requirements would establish a height of at least five feet nine or ten inches, and a minimum weight of perhaps 160 pounds. The latter would be graduated in accordance with height according to standard scales such as used by the United States Army. Every effort should be made to avoid candidates with tendencies toward obesity. The desire to obtain good physical qualities should not lead toward undue stress on brawn at the expense of brains. The undesirable results of such a policy have been stated as follows:

Under prevailing practices the Civil Service Commission allows extra credits for exceptional physical prowess of various kinds. This has the effect of advancing towards the top of the eligible list those applicants who possess certain highly specialized forms of muscular coordination, which have no direct value in day-to-day police duty and which lose any semblance of value within a very few years of examination. It is essential, of course, that the physical standard of police recruits should be high, but we submit that the interests of the Police Department will be best served if the physical examinations are in the nature of qualifying tests only, without extra credit for superiority or excellence in the respects which we have mentioned. We believe that an applicant should be required also to pass the physical examination when called up for appointment, as the time of such appointment may be several years after the date of the qualifying examination.¹⁷

¹⁶ *Summary of Survey and Report on the San Francisco Police Department* (by a group consisting of Leonard S. Leavy, William L. Henderson, William H. Narry, and Bruce Smith, mimeographed, 1937), p. 10. On this point see also Harrison, *op. cit.*, pp. 38-47; The Citizen's Police Committee (Chicago), p. 56; Vollmer, *op. cit.*, p. 223 ff.

¹⁷ *Summary of Survey and Report on the San Francisco Police Department*, p. 11.

August Vollmer's mature opinion along these lines is that :

Following the written tests, a general medical examination should be given to learn whether or not the candidate is physically capable of enduring the hardships associated with police service; this examination should be followed by agility and strength tests, then by a neurological examination for the purpose of discovering latent nervous defects which may later disqualify the candidate. Next in order are the laboratory tests, and these tests should be all-inclusive: no laboratory test should be neglected.

The sum of all the information gathered by the written, medical, agility, neurological, and laboratory tests should be then passed on to the psychiatrist with a view to the discovery of personality defects or latent mental disorders which may subsequently prove detrimental to the possessor. Thereafter, and before certification to the eligible list, a searching inquiry should be made into the character of the candidate, and one needs to go very far in this search.¹⁸

One of the most formidable obstacles in the way of professionalizing police work is the requirement of local residence as a prerequisite to entrance tests. Several of the older state police forces recruit candidates from all parts of the nation.¹⁹ On the whole, however, local residence is the rule. This has the disadvantage of confining the competition to very narrow limits, and thereby probably lowering standards, especially in the smaller places. There are many small incorporated places in metropolitan areas which offer the same police problems as the great city next door. The residence rule in such municipalities will discourage the superior applicant because of the lack of career opportunities. Frequently the highest position has a lower salary than that paid patrolmen in the neighboring metropolis. Moreover, England and Western Europe make a conscious effort to secure recruits who are not residents. It is thought desirable to have men who are not too familiar with local conditions and situations. They will be free from social and political attitudes which make it

¹⁸ *The Police and Modern Society*, pp. 229-230. Quoted by permission of the author.

¹⁹ *The Citizens' Police Committee (Chicago)*, *op. cit.*, p. 52 ff.

difficult to enforce laws impartially. They have no friends of long standing who will be expecting favors.

Police Organization

One of the principal questions confronting the makers of municipal charters is how to set up the headship and direction of the police department. There is a choice, in the first place, between a commission or a single head. A generation or two ago there was a decided trend in the direction of the commission type; and a little farther back these commissions were largely under state control. However, the weaknesses of board administration, of which students of public administration are so aware, inevitably showed up in practice. Politics were magnified by introducing the lay element in administration. In a department requiring rather strict discipline, command was weakened by politically strong subordinates currying the favor of lay commissioners. There developed that familiar tendency on the part of professionals and technicians to become "cagey" and sycophantic in the face of insistent and determined lay control. Police command was deprived of that flexibility and quickness of action so essential to its proper exercise.²⁰ The result has been a decided trend away from the multiple type of head for a police department. Nevertheless, one still finds this type of organization in St. Louis, Kansas City, Milwaukee, Indianapolis, San Francisco, and Los Angeles.²¹ St. Paul changed from the single head to the board type in 1936, a fact alluded to by the Civil Service Commission with approval and apparent confidence in resulting improved police administration.²² However, the majority of American police departments is under single-headed direction, a situation wholeheartedly approved by professional and expert opinion.

If it is finally decided to have a single head, the organization problem is not settled thereby. One must then ponder such problems as: how is the head to be appointed? Shall he be under civil

²⁰ Fosdick, *op. cit.*, pp. 118-160.

²¹ Schenectady Bureau of Municipal Research, Inc., *How Police Departments Are Headed in all Cities of the United States of over 80,000 Population* (1932, blueprint chart in pamphlet cover).

²² *Civil Service Merit System in the City of St. Paul, Twenty-third Annual Report of the Civil Service Bureau* (1936), pp. 5-7.

service? Shall he serve for a term or indefinitely? Shall he be required to have had police experience, or shall a layman be permitted to serve? Raymond B. Fosdick was of the opinion that it is improbable to find men with administrative ability in the police ranks.²³ He favored a set-up wherein the department would be headed by a commissioner or director who would be the department's leader and administrator. Fosdick did not want this person to be a mere transitory lay head, as there seems to be an inclination to regard him. The emphasis was to be on administrative ability, this quality to be secured elsewhere if not possessed by available policemen. Under him there could be a chief of police, whose selection and assignment of duties would be left to the discretion of the commissioner. Small cities might well combine the two offices.²⁴ The following cities have a commissioner or director plus a chief or superintendent: Detroit, Cleveland, Cincinnati, Louisville, Columbus, and Memphis.²⁵ In New York a situation of this kind frequently exists when the commissioner is not a policeman.

The prevailing tendency is undoubtedly in the direction of selecting police administrators from the field of professional policemen. The head administrator is known to the public more and more as chief of police. There is also a prevailing sentiment to make his tenure more secure through restrictions on arbitrary removal. The Wickersham report on police showed that the average tenure for chiefs of police in cities above 10,000, during the period 1908-1928, was 4.28 years. For cities over 500,000 the record showed an average tenure of 2.41 years.²⁶ This brief tenure of police heads has long been regarded as both a cause and symptom of poor police administration. Writing in the Wickersham report, Chief Vollmer makes a strong plea for placing the chief under the most rigid civil service protection:

The chief must be surrounded with every protective civil-service device imaginable. When that is done the citizens may take more interest in the appointment of their chief police

²³ Fosdick, *op. cit.*, p. 220.

²⁴ *Ibid.*, p. 250 ff.

²⁵ Schenectady Bureau of Municipal Research, Inc., *op. cit.*

²⁶ *Wickersham Report No. 14*, p. 51.

executive. With security of tenure, with intelligence, with training, with honesty, and with sincerity of purpose, the criminal element can be controlled. Without these virtues and with political control as it now exists, police departments must go on unorganized, inefficient, and corrupt.²⁷

INTERNAL ORGANIZATION. One of the main objectives as to internal organization is to reduce the number of units to a figure sufficiently small to enable the chief to maintain administrative supervision and control. The San Francisco survey recommended reducing the number of units reporting to the chief from 25 to seven;²⁸ the Chicago survey from 19 to seven.²⁹ To give the lay reader some idea of the activities performed by a police

CHICAGO

Traffic Bureau	Uniformed Force	Chief of Detectives	Personnel Bureau	Records and Property Bureau	Crime Prevention Division	Morals Division
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SAN FRANCISCO

Traffic Bureau	Patrol Force	Bureau of Inspectors	Bureau of Personnel	Administrative Division	Bureau of Criminal Information	Bureau of Special Services
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Figure 16. Chart Showing Proposed Organization Units of Two Metropolitan Police Forces—Chicago and San Francisco

department the chief organization units suggested in these studies are reproduced in Figure 16.

Such housekeeping services as personnel, records, property, control, and general administrative services will be largely centralized at the headquarters station. However, the brunt of police work must fall on officers who are in the field. For this purpose the city will be divided into police districts with a station house in each. This station house will be in charge of a captain, usually uniformed, who will have administrative control over all police activities emanating from his station. Police districts are

²⁷ *Ibid.*, p. 52.

²⁸ *Summary of Survey and Report on the San Francisco Police Department* (see charts).

²⁹ The Citizens' Police Committee (Chicago), *op. cit.*, chart opposite p. 12.

grouped into inspection divisions, each under an inspector who is in turn responsible to the head of the uniformed force. Some difficulty and controversy arise as to the position of the detectives. There will be a chief of detectives at headquarters. Under him will exist several details of plainclothes men, such as homicide, burglary, and bunco. The question arises as to the proper relation of detectives working in the field to the uniformed forces. Should detectives be detailed to station houses or should they all be centralized at headquarters? If they are decentralized, are they under the control of the uniformed captain commanding the station? These questions are controversial and therefore hardly capable of answer here, beyond the suggestion that detectives and uniformed men should make every effort to work together without friction.

The introduction of the automobile and the radio has broadened the police horizon. The result is that the police districts of old are smaller than necessary. There is a constant tendency to take uniformed men off patrol duty and give them office jobs. Recent studies of police departments have tended to recommend reduction of the number of police districts.³⁰ Two advantages are claimed. Policeman now on office assignment can be returned to patrol duty, and the abandonment of stations will reduce clerical and other overhead. Conditions which once necessitated frequent station houses have now disappeared, largely because of motorization. Automobiles are now available for the quick transportation of foot patrolmen to their beats. Motor patrol wagons have materially reduced the necessity for temporary lockups at station houses. The telephone is now the normal means used by citizens to report crimes. With modern radio communication it is no longer necessary to have men on reserve at the stations. They can better be outside doing useful police work, subject to call at a moment's notice.³¹ Thus the San Francisco survey recommended abandonment of seven of the fourteen stations.³²

³⁰ Providence Governmental Research Bureau, *Survey and Report on the Providence Police Department* (Providence, Rhode Island, 1933), pp. 20-24; The Citizens' Police Committee, *op. cit.*, p. 95 ff.; Harrison, *op. cit.*, p. 112; *Summary of Survey and Report on the San Francisco Police Department*, p. 6 ff.

³¹ Providence Governmental Research Bureau, *op. cit.*, pp. 23-24.

³² *Summary of Survey and Report on the San Francisco Police Department*, p. 6.

UNIFORMED PATROL. The uniformed patrol is to the police what the infantry is to the army. Before motor cars came into general use, it was the theory (never achieved in practice) that the city should be divided so that every area would be in a patrol beat. Every patrolman on a beat would be under the supervision of a sergeant who would contact and inspect the men on beat patrol from time to time. Sometimes the sergeant would have a station in a small box or hut on a corner from which he could view parts of several beats. *The Cincinnati Police Beat Survey* divided the patrolman's duties into three groups as follows:

Group A.—Making arrests, investigating complaints, investigating complaints of crimes, and attending fires, accidents, and persons needing aid.

Group B.—Actual patrolling—walking a beat on which there are certain known risks and hazards to take into account, consisting mainly of business establishments to be checked as to their security, the amount of attention varying with the time of the day.

Group C.—Making special inspections and checkups of certain businesses at certain definite times of the day.³³

Much stress is placed upon the importance of a patrolman's knowing both the people and physical structures on his beat. August Vollmer has stated that the "sympathetic and intelligent patrolman quickly senses the possibility for constructive work on his beat and is parish priest, legal and medical adviser, social counsellor, and defender and protector of the people residing within the boundaries of the area patrolled by him."³⁴ Some police departments have devised a system whereby the patrolman is introduced to newcomers on his beat. New occupants of premises are known at once, chiefly from the records of public utilities. The officer on the beat is required to make a friendly call, deliver a leaflet explaining the operation of the police department, and welcome the recent arrival.³⁵ This sort of thing has to be done very tactfully in the United States where there is an opposition to

³³ The Cincinnati Regional Crime Committee, *The Cincinnati Police Beat Survey* (American Public Welfare Association, Chicago, 1936), p. 9.

³⁴ International Association of Chiefs of Police, *Proceedings, Fortieth Annual Convention* (Chicago, 1933), p. 304.

³⁵ Wilson, "Police Organization and Administration," *loc. cit.*, pp. 700, 704.

police surveillance not known in Europe. For instance, in continental Europe everyone is registered with the police. Persons departing or arriving must get their clearances from police stations. Hotels, rooming houses, and landlords must make regular reports on their guests and tenants. Anglo-Saxon countries have always resisted this sort of thing as being contrary to our concepts of individual freedom and civil liberty. The prevalent opposition to universal fingerprinting is an example of this aversion to official meddling in personal affairs regarded as being purely private in nature. Those who compare the American police departments unfavorably with those of European nations should take this into account.

At least three recent attempts have been made to develop a formula for determining the proper size of patrol beats. The report of the Chicago Citizens' Police Committee selected the following bases for laying out foot patrols:

1. Residential—one-hour beats of two miles each.
2. Commercial—beats of one-half mile each.
3. Industrial—two-hour beats of four miles each.³⁶

If this formula had been carried into effect it would have required more than doubling the numerical strength of the force. Leonard D. White and two other members of the Committee dissented from this particular part of the report.³⁷ Vollmer is quite definitely of the opinion that patrol beat requirements can be measured objectively.³⁸ *The Cincinnati Police Beat Survey* made a time and performance study of officers on patrol duty, investigators actually spending considerable time right with the patrolmen. The result was a formula which recommended approximately doubling the foot beats in the so-called "basin area" of Cincinnati and adding a total of 111 men to the police department.³⁹ Police administrators are constantly struggling with what seems to be an inevitable tendency to pull men off actual patrol duty and give them jobs in the office or on some subsidiary service. The

³⁶ The Citizens' Police Committee, *op. cit.*, p. 259.

³⁷ *Ibid.*, pp. xiii-xiv.

³⁸ August Vollmer, "The Police Beat," *Proceedings, Fortieth Annual Convention of the International Association of Chiefs of Police* (1933), pp. 304-327.

³⁹ The Cincinnati Regional Crime Committee, *op. cit.*, pp. 8-25.

accompanying chart shows that in 1935 only 71 of the 622 Cincinnati policemen could be on patrol beat at any one time.⁴⁰ (See Figure 17.)

It is a fairly universal tendency to have the personnel divided into three platoons. This is just another way of saying that there

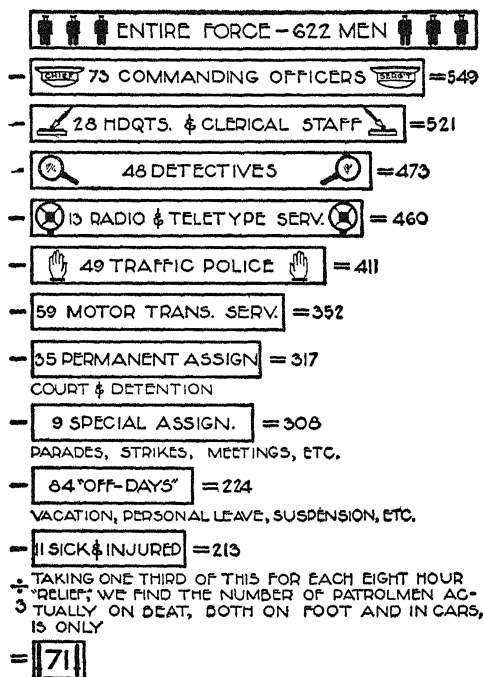


Figure 17. Number of Patrolmen Actually on Beat Duty at Any Certain Time
 (From *Municipal Activities of the City of Cincinnati*, 1935, p. 39.)

are three shifts of approximately eight hours each. Police hazards are greatest at night, especially during the hours before midnight. The result will often be that the night shifts are larger than those on day duty. While many cities still work their police-

⁴⁰ *Municipal Activities of the City of Cincinnati*, 1935, p. 39. A similar chart for Los Angeles can be found in *City of Los Angeles, Annual Report of the Police Department*, 1934-35, p. 16.

men seven days per week, the tendency is quite definitely toward a six-day week.⁴¹

Radio communication and motorization are probably still too new for one to venture an authoritative opinion as to their effect on foot patrol. However, one can say quite definitely that these modern inventions have not eliminated the necessity for foot patrol. "With a motorized patrol, a police department is in some danger of losing the advantages of its 'eyes and its ears,' as the foot patrolmen were so aptly called."⁴² Others have also recognized this hazard and suggested that "motorized patrolmen should do some walking, parking the cars occasionally; especially if there are two men to a car they should not be together more than 20 per cent of the time. One patrolman can leave the car and be picked up later at some predetermined place; in this way he can cover some of the inspection details that require foot work."⁴³ There is no question but that the tendency has been to reduce the number of men on foot patrol by placing them in radio-equipped motor cars. In at least one instance the advent of the latter resulted in a considerable reduction in the number of policemen employed.⁴⁴

Size of the Force

All of the foregoing has a direct bearing on the question as to the proper size and cost of a police department. How much should any given city spend on police? How many policemen does it need? These are questions constantly being asked by police administrators, budget agencies, governing bodies, and citizen groups. The most recent authoritative data relative to actual practice on these points are contained in a study made in 1937 by the St. Louis Governmental Research Institute.⁴⁵ Cities of over 500,000 spend on their police departments about 10 per cent of

⁴¹ David Wolff, *Salaries and Conditions of Employment of Police Forces in 245 Cities in the United States and Canada* (Municipal Administration Service, Statistical Series Pub. No. 7, 1932), p. 17.

⁴² Wilson, "Police Organization and Administration," *loc. cit.*, p. 704.

⁴³ Editor's reply to inquiry, *Public Management* (May, 1935), Vol. XVII, p. 142.

⁴⁴ Providence Governmental Research Bureau, *op. cit.*, pp. 25-26.

⁴⁵ Governmental Research Institute, St. Louis, Missouri, *Comparative Police Data, St. Louis and Other Cities over 300,000 Population* (published by the Institute, St. Louis, 1937), mimeographed, 26 pp.

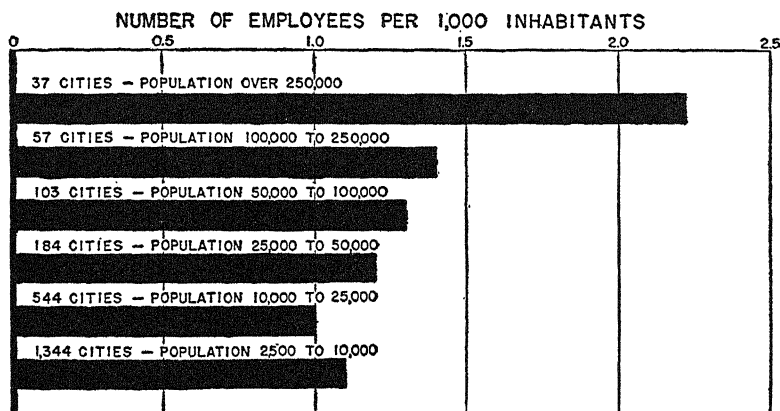


Figure 18. Average Number of Police Department Employees, 1937

(Figures 18 and 19 from Federal Bureau of Investigation, United States Department of Justice, *Uniform Crime Reports*, Vol. IX, Second Quarterly Bulletin, 1938, Government Printing Office, Washington, D. C., 1938, pp. 67, 69.)

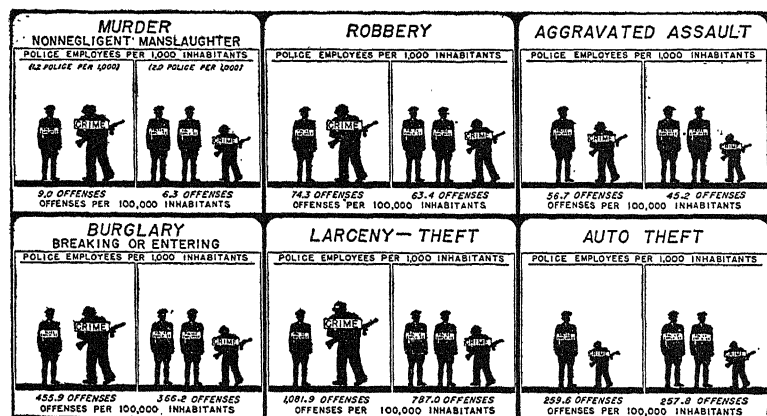


Figure 19. Relation Between Average Crime Rates and Average Number of Police Employees. Cities with more than 100,000 inhabitants, 1937

the total expenditure for operation and maintenance of all departments including schools. This police department cost amounts to approximately five dollars per capita.⁴⁶ In cities ranging from 300,000 to 500,000 this per capita cost decreases noticeably to a median of around three dollars.⁴⁷ There is such extreme variation in expenditure per square mile of area that figures expressing this relationship have no value for purposes of comparison.⁴⁸ The number of police employees, both commissioned and civilian, per 10,000 population varies from 16.0 in Pittsburgh to 25.7 in New York. A median would fall somewhere between 19 and 23. For cities from 300,000 to 500,000 this varies from 10.3 in Houston to 28.8 in Washington, with a median falling somewhere between 13 and 17.⁴⁹

The Federal Bureau of Investigation has produced evidence (Figures 18 and 19) to show that major crime is lower in those places having the greater number of policemen per capita.⁵⁰

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⁴⁶ *Ibid.*, p. 4.

⁴⁷ *Ibid.*, p. 8.

⁴⁸ *Ibid.*, p. 8.

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CHAPTER IX

POLICE: FUNCTIONS

Criminal Investigation and Identification

Modern criminal investigation is very much a matter of taking pains and knowing how to take pains. There are undoubtedly those who have an aptitude for detective work, who possess an unexplainable sense for solving a crime. However, that police department will be most successful which trains its investigators in the acknowledged and accepted technology of criminal investigation.

AT THE SCENE OF A CRIME. The first thing to emphasize is proper conduct at the scene of the crime. Education along these lines should be directed to both the lay public and the young policeman. The former should be cautioned to call the police at once and to refrain from disturbing any object. The handling of a gun found on the floor, for instance, might rub off the fingerprints of a guilty person and replace them with those of the innocent but overcurious bystander. One should not pick up or handle clothing, furniture, tools, or instruments. It is most important that others be prevented from doing these things. The unsuspected culprit or his friends might purposely destroy evidence with apparent innocence before the very eyes of the victim.

A uniformed patrolman will ordinarily respond to the call. In urban areas he will ordinarily be there within two minutes of the time that the call has been placed, thanks to the automobile and radio. He will immediately take charge of the situation, trying to preserve the status quo until the detectives arrive. He will fence off, or otherwise guard from intrusion, the scene of the crime. He will do everything to see that no evidence is destroyed or removed. If the culprit is still there the officer will detain him, pursuing him if necessary. The policeman will take the names of

witnesses, together with their statements of what happened, making proper written records and reports of all observations.

If the crime committed is murder, the detectives will call at once. They may bring with them a photographer who will take pictures of all pertinent views. A surveyor or draftsman will take definite measurements of the exact position of the body and other objects. These will be sketched onto a diagram of the room drawn exactly to scale with relative distances and positions of objects designated with precision. Possibly the chemist will be called to examine stains suspected to be human blood. A fingerprint man will start his search for latent prints, dusting suspected spots with his tell-tale powder and photographing his discoveries. The detectives will gather movable evidence, handling it with jealous care. Unless extraordinary precaution is taken valuable clues may be lost forever. The detectives also proceed to question and record the statements of those present. Suspects and material witnesses may be taken to the station for further questioning.

IDENTIFICATION. The most widely used and most reliable form of identification today is Dactyloscopy, or the science of fingerprints. Up until a decade ago there was widespread use of Bertillon's anthropometrical measurements. These consisted of identification by means of measuring and recording specific distances and surfaces on the human body. Today the Bertillon system has been almost universally displaced by fingerprinting.¹ It has been pretty well settled that no two sets of fingerprints are alike. Furthermore, fingerprints do not change with time and they cannot be effaced by mutilation. The ridges and whorls born with the infant remain the same. They will remain after death, for the common method of identifying unknown dead is by searching the fingerprint files of both the Department of Justice and the War Department at Washington. When mutilated by cutting the flesh they will grow back in the original formation. Amputation is about the only method of effacing them.

While fingerprints at the scene of a crime may be discovered in some plastic or visible substance, they are usually invisible. These latent fingerprints, as the invisible ones are called, are

¹ Harry Söderman and John J. O'Connell, *Modern Criminal Investigation* (Funk & Wagnalls Co., New York, 1935), pp. 41-44.

transferred from the skin to the surface of an object by colorless substances sticking to the fingers. Where the hands are grimy or dirty the prints may be visible to the naked eye on smooth surfaces such as glass. The expert searcher will know where to look for them and how to bring them out. He will dust them with a powder of a color appropriate to produce contrast with the background; or he may deem it advisable to use certain chemical reagents. With him he will have his special camera for photographing the fingerprints. Occasionally he will find it desirable to take with him to the laboratory objects upon which fingerprints have been found or are suspected to exist. These objects are so packed as to guard against loss of the prints in transportation.

When a prisoner is booked for certain crimes he has to be fingerprinted and photographed. The fingers are rolled individually and palm down on a form which is uniform all over the country. These are then filed in an upright position in drawers. The filing is done by classes, classification being a science requiring the services of trained technicians. In a large city there will be several hundred thousand prints on file, while the Federal Bureau of Investigation at Washington has upward of ten millions. These latter are so minutely classified that it may be possible to establish an identification by searching as few as a dozen sets of prints. If the prisoner is charged with a serious felony, several sets of prints will be taken. One will be immediately dispatched to the F.B.I.,² one to the state bureau, and others to several large cities in the country. If the matter is urgent, a tentative identification can sometimes be established by telegraphing the classification together with the names and aliases.

OTHER IDENTIFICATION RECORDS. Elsewhere in the police records bureau will be found files containing the photographs and criminal records of all persons who have ever been booked. Each folder will be cross-indexed directly to the fingerprint file. Hence, if a suspect refuses to talk, a fingerprint identification will lead directly to the file containing his record. It may show that he is wanted for several offenses, thus making it possible to clear up a number of crimes through a single arrest.

² This abbreviation will be used to indicate the Federal Bureau of Investigation, Department of Justice, headed by J. Edgar Hoover.

Every large urban police department should maintain a *modus operandi* file. *Modus operandi*, translated into ordinary English, means method of operation. Every criminal has his trade-mark. He specializes on a particular type of crime and performs his job in his own peculiar manner. He may be a second-story burglar, who enters a window with a jimmy from over the front porch. He may prefer to enter apartments with a pass key in midafternoon; or he may specialize on women's fur coats or purses left in a bedroom at an evening party. He may have peculiar personal habits which leave marks of identification. For instance, one will roll his own cigarettes and leave his butts scattered around; another will raid the ice box and pantry before leaving; and still another will turn on the radio while he is working. These facts are written in the report of the officer who made the investigation. In the statistical division of the police records bureau the pertinent information is transferred to punch cards of the Hollerith type (see Figure 20).

Let us suppose that the police are looking for a party burglar who operates through ground-floor bedroom windows with a jimmy. Someone has been operating that way for a long time without apprehension. Finally he is caught in the act and fingerprinted. The burglary punch cards are brought out and the sorting machine is set to segregate all cards which are punched to show party, ground-floor bedroom, and window entrance with jimmy. Probably twenty-five respond, of which one shows that a set of fingerprints was picked up at the scene of the crime. These are compared with those of the person just taken into custody and identity established. When confronted with this evidence he undoubtedly will confess to other crimes. Police have been known to clear up fifty burglaries with one arrest by combining *modus operandi* identification with fingerprints. This same method may lead to the apprehension of a person wanted but unknown. The persons operating in that particular way are segregated by sorting the punch cards. Then the police know toward whom further investigation should be directed.

SCIENTIFIC INVESTIGATION AND IDENTIFICATION. Every major police department should have upon its staff persons who are competent in one or more of those scientific fields essential to

proper investigative work. These include chemistry, physics, microscopy, ballistics, and the identification of questioned documents. The department should have on its own premises and under its own control a laboratory equipped to perform at least minimum procedures in these various fields. This does not mean that every police officer should be a chemist or physicist; but it does mean that the department should have one or two trained scientists who can cover these disciplines adequately. The policeman need not know enough chemistry to test for arsenic in the stomach of a dead person; but he should know when and where to suspect that spots on clothing or furniture are human blood or hair. If properly preserved such evidence may later lead to identification in the laboratory by the department's chemist. The policeman should know enough about scientific investigation to recognize and preserve the evidence, leaving the actual experiments to the laboratory men.

Blood can be identified as to whether it is human or not, but it cannot be said that specified blood came from a particular person. Human blood is classified into four groups. It can be determined to which group specified blood belongs. From an investigative standpoint this is valuable in a negative way, for if the blood in question belongs to a group other than that of the suspect, the findings are in his favor. However, if it should be shown that the incriminating blood were of the same group as that of the suspect, it would constitute no proof of guilt. Millions of other people have blood of the same group. There is frequently value in knowing whether spots or smears are human blood. This the scientist is frequently able to determine with certainty. He is also qualified to identify various stains, excrements, paint, etc.³

The identification of hair is a difficult task to be attempted only by competent and thoroughly experienced investigators. There are differences in hair sufficient to arrive at tentative conclusions as to whether a given specimen came from man or an animal, the part of the body on which it grew, and his or her sex or age. With great caution derived from long experience, some investigators are qualified to venture a statement as to whether hair came from a particular person.⁴

³ Söderman and O'Connell, *op. cit.*, pp. 223-242.

⁴ *Ibid.*, pp. 168-180.

Wood can be identified. It will be remembered that both the ladder and the nails were traced to the premises of the accused in the Lindbergh kidnap case.⁵ Arson investigators can tell from the charred embers whether the wood was burned by soaking it with gasoline, kerosene, or some other inflammable substance. Dust from the corners of pockets can be identified as coming from particular places. Particles of cloth or fabrics left at the scene of the crime have great investigative value. Hit-and-run drivers have been convicted on the basis of merely a thread or two of the victim's clothing left on the bumper of the car involved.

Questioned documents can often be identified through the individuality of the writing, whether it is handwriting or type-writing. A person's handwriting is so distinctive that experts can readily identify it. This form of identification is particularly valuable in kidnapping and forgery cases. In both the Hauptmann and Hickman cases the ransom letters were quite definitely traced to the convicted parties. Hickman tried to disguise his hand by printing, but to no avail. Typewriters have individual differences which show up on a typed sheet. There may be a blur of the lower half of the letter "a," or the small "c" may have a chip in the middle. Whatever it is, the expert will find it out and make the identification. Furthermore, paper and ink are of such infinite variety and distinctiveness as to lend to the identification process.⁶

The identification of firearms is practically a certainty when the evidence has been placed in the hands of a qualified ballistics expert. Forensic ballistics is the science of identifying guns, bullets, and cartridges. Suppose that a bullet has been removed from the body of a person found dead under suspicious circumstances. A gun has been traced to a particular suspect, but it remains to tie the gun to the bullet. The weapon is fired into a padded box so that the distinctive marking of the projectile will not be disfigured. The barrel of a gun is lined with spiral grooves

⁵ Arthur Koehler, "Technique Used in Tracing the Lindbergh Kidnapping Ladder," *Journal of Criminal Law and Criminology* (January-February, 1937), Vol. XXVII, pp. 712-724.

⁶ Albert S. Osborn, *Questioned Documents* (Boyd Printing Co., Albany, 2nd ed., 1929), 1028 pp.; Clark Sellers, "Handwriting Evidence Against Hauptmann," *Journal of Criminal Law and Criminology* (March-April, 1937), Vol. XXVII, pp. 874-886.

called rifling. While ostensibly the same in all arms of the same make and model, there is nevertheless sufficient difference to warrant positive identification. This is accomplished by placing the bullet known to have been fired by the questioned weapon alongside the bullet taken from the body of the victim, under a comparison microscope. A cartridge at the scene of a crime may tell the model, make, or date of manufacture of a gun. Furthermore, identification is possible through the mark made upon the cartridge by the firing pin.⁷

Police Records

Every police department should have a police records bureau. It should be intimately identified with the detective, identification and communications units. A high and sustained achievement in the solution of crimes is dependent on the proper records. The entire force should be trained both in the necessity for and the ability to prepare the records suitable to the occasion. There should be a central complaints desk where all new offenses are reported. Each complaint should be given a serial number, all of the offenses being listed on the "blotter" at central station in the order of these numbers. If the complaint is made at a district station the proper serial number should be supplied from the central station by telephone, and entered simultaneously with the identical number at both the central and district stations. The complaints desk then should prepare and issue an "offense report" containing as much information as is available at that time.⁸ A copy of this should go to the investigating officer who should fill in the information revealed by subsequent investigation. Supplementary offense reports should be made out from time to time as the investigation progresses. All of the papers relative to a case should be preserved in a case folder in the records bureau. A proper follow-up system is necessary to keep active those cases not yet disposed of.⁹

⁷ Edward C. Crossman, "Science Turns Detective," *Scientific American* (January, 1927), pp. 18-21.

⁸ *Uniform Crime Reporting* (International Association of Chiefs of Police, New York, 1929), p. 77.

⁹ O. W. Wilson, "Controlling Police Investigations Through a Follow-up System," *Public Management* (June, 1932), Vol. XIV, pp. 189-193.

Each officer should carry a memorandum book. In addition to memorandum paper, the book should contain those forms which are commonly needed by an officer on duty.¹⁰

The central records bureau should employ a statistician who has available the necessary punch card, tabulating, and sorting machinery.¹¹ These punch cards can be devised to contain all of the essential information on a particular case. The sorting machine can be set so as to select from thousands of cards those few which have cases possessing the peculiar characteristic desired. This can be used as a tool of investigation under the *modus operandi* procedure previously described. In any event, it should be utilized in preparing periodic reports on the occurrence of crime and the disposition of cases. Such information should appear in daily, monthly and annual consolidated reports.¹²

The records bureau should contain permanent files on all known criminals, cross-indexed in such a manner as to circumvent attempts to falsify identity, such as aliases. When search of the fingerprint files results in matching the print, identity should immediately result by cross reference to several other files. One of these files should contain the criminal history of the individual. From this the officers may be able to recognize the offender, determine his haunts, and pick him up. This same file, or one tied directly into it, should contain the picture and portrait parlé of the individual. The latter is a word description of identifying physical characteristics. Still another file should list a description of the property which has been taken in burglary, robbery, and larceny cases. Then there are the tabulating cards, referred to elsewhere. When a criminal operates in a certain distinctive manner—possesses a “trade-mark”—the sorting machine will select the cards having that “trade-mark.” These cards are directly identified with particular individuals, thus indicating who the likely culprits are.

¹⁰ Research Staff of The International City Managers' Association, *Manual of Police Records as Installed in Pasadena, California, and Applicable to Cities of 25,000 to 150,000 Population* (International Association of Chiefs of Police, Chicago, 1931), p. 29.

¹¹ *Uniform Crime Reporting*, p. 118 ff.

¹² Committee on Uniform Crime Records International Association of Chiefs of Police, *A Guide for Preparing Annual Police Reports* (revised and reprinted by Federal Bureau of Investigation, Washington, D. C., 1935), 37 pp.

NATIONAL CRIMINAL STATISTICS. Law enforcement officers have long recognized the desirability of crime statistics on a nation-wide scale. Several difficulties have stood in the way of this objective. In the first place, a common definition of the various crimes is very difficult because the penal laws are made by forty-nine different legislative bodies. In the second place, reporting to a national agency by local units is on a purely voluntary basis. Thirdly, the system of administrative record keeping in local law-enforcement units has not been such as to inspire confidence in any statistics resulting therefrom. In 1929 the Committee on Uniform Crime Records of the International Association of Chiefs of Police came forward with a proposal designed to overcome the first obstacle and materially weaken the others. A formula for reconciling the conflicting definitions of crime in forty-nine or more jurisdictions was furnished.¹³ A system of record keeping for police departments was also proposed. On September 1, 1930, pursuant to act of Congress, the Federal Bureau of Investigation of the Department of Justice assumed the responsibility for gathering and publishing criminal statistics. They are now published in quarterly bulletins bearing the title of *Uniform Crime Reports for the United States and Its Possessions*. In 1939 all cities exceeding 100,000 population were included in these reports. Returns represented 97 per cent of the population living in cities of over 10,000.¹⁴

The *Uniform Crime Reports* contain two general categories of information. One, called "offenses known to the police," includes the following classes: criminal homicide, including (a) murder, non-negligent manslaughter, and (b) manslaughter by negligence; rape; robbery; aggravated assault; burglary—breaking or entering; larceny—theft; and auto theft. These are published by cities and regions. Various charts, tables, and ratios reveal a great deal of interesting information. The second general category pertains to arrests, and includes figures on the number of crimes "cleared by arrest."¹⁵

¹³ *Uniform Crime Reporting*, pp. 179-456.

¹⁴ Federal Bureau of Investigation, United States Department of Justice, *Uniform Crime Reports* (Government Printing Office, Washington, D. C., April, 1939), Vol. X, p. 3.

¹⁵ *Ibid.*, pp. 31-51.

The question quite naturally arises as to the credence which can be placed in these statistics. In the beginning there was considerable disinclination to regard them as authoritative. Most police departments had not yet installed good record systems, and in some quarters there was a tendency to feel that some were not telling the full story. It was charged, surreptitiously and not openly, that certain departments were deliberately failing to present the entire picture because it would show them up unfavorably. However, the movement has had a noticeably beneficial effect on police record keeping. It may be assumed that a sincere attempt is now being made to present an honest picture of offenses known. The F.B.I. cautions readers not to be hasty in drawing conclusions based on comparisons of one city to another. Too many factors enter into crime ratios to permit of valid generalizations except by qualified persons.

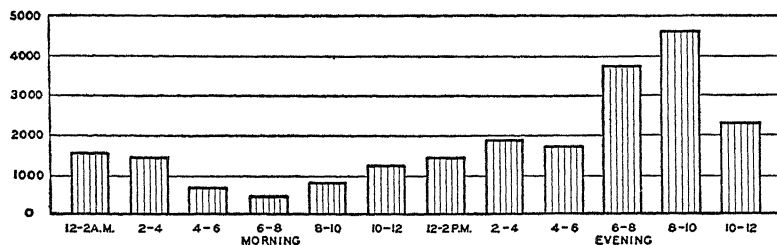


Figure 21. Distribution of Major Offenses by Hour of Day

(From Annual Report of the Police Department, City of Los Angeles, 1936-37, p. 50.)

Police Communications

Outside of normal correspondence by mail, the principal media of police communications are radio, teletype, telephone, and street signal boxes. The widespread installation of radio equipment in police automobiles in the last decade has transformed police work in many respects. Now it is found convenient to have radio-equipped motor patrols in addition to foot patrols. These cars cruise on a definite beat and receive calls from a central station. When so directed, a car proceeds immediately to the scene of the trouble, arriving on an average of two or three minutes

from the time the call was initiated. After attending to the call the results are telephoned to the central bureau through the nearest street signal box. The car then resumes cruising its beat. The smaller and medium-sized cities have installed a two-way radio system whereby officers in the cars can converse with the central office. The large cities were slower in adopting two-way systems because they entered the field earlier when such devices had not yet been mechanically perfected. They now find it difficult to justify the budgetary outlay necessary to make the transformation. However, it would seem that two-way installations are desirable and feasible. It is believed that they will be in general use before long.¹⁶

Teletypewriters are machines which write a typewritten message simultaneously at both the sending station and receiving station. If the central station is connected with district stations, such a message can be transmitted to all stations at once or to a smaller number of designated stations. They can also be sent to the offices of other law-enforcement agencies, such as the sheriff or district attorney. In some states there are inter-city connections covering hundreds of miles.

Telephone communication is so common that it attracts little popular interest. Nevertheless, a police telephone system must be organized with care. In the first place, there should be a central exchange board to which all calls to the police should come. There should be a single number which becomes familiar to the general public. Calls coming into this central board can be instantaneously connected with the desired station, whether in the same building or ten miles away. Calls which are of an administrative rather than emergency police nature can be transferred to the regular city hall board. Some cities prefer to have the telephone board operated by experienced policemen rather than girls.

Some have thought that radio patrol would supplant foot patrol, thus eliminating the old street-signal box. This was a box containing a telephone and with a signal light nearby. The flashing of the light told the patrolman that he should call headquarters. Recent experience has indicated, however, that, instead of being abandoned, these boxes should continue to be maintained.

¹⁶ *Police Chiefs' News Letter* (April, 1937), Vol. IV, pp. 1-3.

They have at least three essential uses. They are still necessary for signalling the far-from-extinct foot patrolmen; they furnish convenient telephone communications to headquarters for radio patrol cars under a one-way system, and they constitute alternative emergency communications when radio breaks down.¹⁷

Administrative control of these various devices should be located in a communications bureau or division conveniently associated with the detective and records units. Thus a citizen telephones that a suspicious character is prowling in his back yard. The operator at the board immediately transmits the message to a radio announcer located nearby. In a few minutes the patrol car reports results from a street signal box. The car is designated on the control chart as off special assignment and on cruising duty. Word may be received that a car containing certain persons wanted by the police is on its way to a city fifty miles away. In addition to radio warnings a teletype message will go to the police department in the other cities. This may contain information which for reasons of policy cannot be broadcast over the radio.

Crime Prevention

Police departments are taking ever-increasing cognizance of the desirability of preventing crime. The traditional rôle of the law-enforcement officer has been to enter the scene after an offense has been committed. While this situation still predominates, the progressive police agencies are nevertheless maintaining crime-prevention bureaus. These units aim to eliminate the conditions which cause crimes to be committed. The major attack in contemporary practice takes two directions: one is juvenile delinquency and the other the policewoman's approach to offenses involving women.

Officers assigned to the juvenile squad should be very carefully selected. They should be intelligent and educated persons who have not been infected with the old-line policeman's skepticism toward progressive experiments in dealing with offenders. The juvenile officer should preferably have had training in

¹⁷ Herbert A. Friede, "Street-Signal Boxes and the Patrolman in the Age of Radio," *American City* (November, 1934), Vol. XLIX, pp. 45-46.

psychology and social work and possess a firm faith in the scientific approach toward the solution of criminal problems. His first task should be an attempt to gain the confidence of the boys in those neighborhoods which are likely to breed juvenile delinquency. A variety of devices has been developed for this purpose. One is the organization of Junior Police, wherein each police station sponsors a company composed of youths between the ages of 11 and 16. They meet periodically, elect officers, and are awarded highly prized insignia and badges. The inauguration of such a movement has been known to eliminate epidemics of street-light and window breaking and petty pilfering. In other cases special country camps for underprivileged boys have been supervised by police departments. Some departments have inaugurated special police patrols whereby non-uniformed juvenile officers cruise the streets in the evening. Young children are required to explain their presence on the streets. In suspicious cases they are taken to their homes for the purpose of conferring with their parents. Frequently the city playground director in that neighborhood is consulted, with the result that a potential criminal career is thwarted by collaboration of police, parents, and playground director.

In any progressive city today the approach to the juvenile delinquency problem is clinical in nature. It regards the child as a subject for treatment rather than a malefactor. The result is that every effort is exerted to keep a child out of prison and to foster his normal growth in a wholesome environment. Where detention becomes unavoidable the juvenile offender should be detained in premises which resemble a school or hospital more than a jail. There his case should be studied, and he should be examined by physicians, psychologists, teachers, and parole officers. While waiting for his appearance before the juvenile court he should be given medical treatment and subjected to a character-building program and environment. These should include work, play, and school. Many of these children can be freed without court action, subject to the surveillance of the juvenile officers. Others will be placed on probation by the juvenile court. A most significant means of approach is offered in the so-called co-ordinating councils which exist in many communities. These consist

of representatives of the police, probation workers, social workers, juvenile court, public-spirited laymen and character-building organizations. They meet to discuss and arrange for mutual co-operation in matters involving crime prevention and juvenile delinquency.

The work of the policewoman, sometimes referred to as the "city mother," is predominantly of a crime-prevention nature. These officers are charged with exercising surveillance over those places, such as dance halls, which are conducive to sex delinquency. To the policewoman falls the lot of interviewing women offenders. Not all of the duties of a policewoman are of a crime-prevention nature, but most of them are. The policewoman should be distinguished from the jail matron, for their duties are not at all alike. There has been an ill-advised tendency to detail policewomen to matron duties, thus depriving crime prevention of much needed personnel.¹⁸

THE NEW PENOLOGY. The new attitudes toward penology and criminology lay emphasis on crime prevention by rehabilitating the offender. The old philosophy of punishment as moral retribution, on the one hand, and as a deterrent on the other, is giving way to the principle of diagnosis and treatment. This might be called the clinical approach. Offenders are examined by trained psychologists, psychiatrists, social workers, teachers, and physicians. Such a clinic, with these specialists in the pay of the state, should be attached to the municipal court, detention home, or reformatory. The offender is studied from the standpoint of his physical make-up, health, emotional tendencies, intelligence, social habits, educational abilities, moral and spiritual attitudes, and his occupational abilities. The results of these studies will reveal the conflict and friction between his personality and his social status.

Not all offenders will respond favorably to treatment. However, the analytical procedure just outlined will permit classification. Some may be easily rehabilitated, while others are virtually irredeemable. The clinical approach makes it possible to classify

¹⁸ Hubert R. Gallagher, *Crime Prevention as a Municipal Function* (Syracuse University, Syracuse, New York, 1930), 66 pp.; Chloe Owings, *Women Police* (Frederick H. Hitchcock, New York, 1925), pp. 248-250.

them into groups, thus permitting the treatment applicable to the individual case.¹⁹

This has in turn necessitated departure from the old manner of sentencing convicted persons, wherein the statute laid down specific prison terms for the various crimes. The length of the sentence varied directly with the gravity of the crime. Today the tendency is more in the direction of suiting the prison term to the offender rather than to the crime. The law tends more and more to establish flexibility through the indeterminate sentence, which is quite definitely tied in with probation and parole. The objective is to rehabilitate the offender and place him back into the normal channels of life just as soon as it is safe both for him and society.

Undesirable Police Practices

American police frequently have been accused of using violence against prisoners in order to induce them to confess. This practice is generally known as the "third degree." It is unquestionably unlawful and the officer who perpetrates such an act is guilty of assault and battery. Most police officers are inclined to deny that such practices prevail. Others justify the practice as essential to the process of criminal investigation. At the same time they belittle its evil aspects and discount its widespread existence. Nevertheless, the Wickersham Commission came to the quite definite conclusion that the "third degree—the inflicting of pain, physical or mental, to extract confessions or statements—is widespread throughout the country."²⁰ Its report contained specific instances with citations to court documents. One of the Commission's investigators published under his own name similar charges with numerous actual examples, all of which would surely have been libellous if not capable of substantiation.²¹ The only possible conclusion is that the third degree and police brutal-

¹⁹ Edgar A. Doll, "The Scientific Point of View Toward the Prevention of Crime," *Journal of Criminal Law and Criminology* (July-August, 1936), Vol. XXVII, pp. 203-206.

²⁰ National Commission on Law Observance and Enforcement, Report No. 11, *Report on Lawlessness in Law Enforcement* (Government Printing Office, Washington, D. C., 1931), p. 153.

²¹ Ernest Jerome Hopkins, *Our Lawless Police* (The Viking Press, New York, 1931), 379 pp.

ity were quite prevalent in municipal police forces throughout the year 1930.

Third degree methods are sometimes justified upon the grounds that it is the only way to get the facts from tough suspects before their unscrupulous and clever attorneys get to them. The practice is said to be used only against the guilty. If not used the police would have no chance of conviction against persons habitually freed through bribery and political connections. It has been argued that a literal interpretation of constitutional restraints would deprive the police of flexibility essential to criminal investigation. It is said to be a bulwark against that type of gangsterism which successfully evades normal law-enforcement processes.

The Wickersham Commission, on the other hand, found these arguments to be largely unconvincing.²² The danger of forcing false confessions is real and always present. The third degree contributes to police inefficiency by contributing to the laziness of the officers; they incline toward the easy way of beating out a confession instead of the hard but correct way of exhaustive investigation. It clouds the real issue of guilt before the court by shifting the trial's emphasis to claims of involuntary confession. It brutalizes the police, thus lowering public esteem toward law-enforcement agencies. That the third degree is not essential to good police work is demonstrated by its absence in departments doing superior work.

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²² *Ibid.*, pp. 184-192.

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CHAPTER X

PROSECUTION AND THE COURTS

It has been estimated that crime each year costs the people of the United States some fifteen billion dollars, or five times as much as does public education.¹ To the person who reads or hears of criminality, it is one of the most absorbing topics in modern life. To those whose misfortune it is to become actually involved, crime is among life's most tragic circumstances. But to the law enforcement agencies and our criminal courts, crime is primarily a condition for which there must be both remedies and preventives.

A few years ago it was thought that punishment of the offender was both the corrective for crime and its preventive. Making the criminal "pay his debt to society" was felt to be a sufficient requital for crimes committed, while crime was thought to be deterred by demonstrating to potential criminals the punishment they might expect. Consequently, the criminal courts bent the major share of their efforts toward finding punishments for criminals which would most fully compensate for their wrongdoing. Today, however, there is developing a new philosophy in regard to the whole problem of crime. It is thought by many that the interests of society are to be served, not so much by threatening potential criminals with dire punishments, as by seeking the sources of crime and endeavoring to stamp them out. It is likewise felt that society will benefit less from securing revenge for criminal acts already committed than it will from striving to reorient and readjust criminals to a normal and constructive life.

The rôle of the criminal courts in this new movement is an important one. While they cannot, of course, meet crime at its

¹ Max W. Nohl, "Crime Prevention From the Cradle Up," *Journal of the American Institute of Criminal Law and Criminology* (July-August, 1937), Vol. XXVIII, p. 220.

sources, they can treat those who have been charged with crime in such a way that the process of readjustment to normal behavior may be begun. An individual is not criminal in and of himself; something has made him that way. If that something can be found and corrected, the chances are that a normal person will result. Thus it is believed that the courts should look upon the criminal as one to be diagnosed, treated, and cured. This is not only humanitarian, it is preventive as well, for it checks further delinquency on the part of those who have already offended. Hence, there is increasing advocacy of the use by the courts of psychiatrists and physicians, and of such devices as probation, parole, and indeterminate and suspended sentences. In other words, it is felt that treatment, not punishment, and cure, not a living death, should be the new aim of criminal justice.

The foregoing is, of course, an expression of the ideal, rather than actual achievement. This new philosophy has permeated the shell of traditional judicial administration in but a few cities. However, it is gaining ground, and the expectation is that the years to come will see an increasing participation by the courts in the scientific approach to crime problems.

STATE COURT SYSTEMS. The first thing to remember in any discussion of the criminal courts is that all courts connected with the municipality or with local government are in reality state courts. It is at this point that the local government is decidedly acting on behalf of the state. This is true even when a court is enforcing municipal ordinances, for it will be remembered that municipal ordinances are made directly in pursuance of power granted by the state to the municipality.

FELONY AND MISDEMEANOR. A second important consideration which must precede a discussion of the courts is the distinction between felonies and misdemeanors. It is usually the practice to have separate courts handle each of these categories of crime. The more serious offenses are known as felonies, while crimes of a lesser degree are called misdemeanors. A felony usually involves a long term of imprisonment in the state prison or penitentiary, whereas a person convicted of a misdemeanor either pays a small fine or goes to the local jail for a brief period,

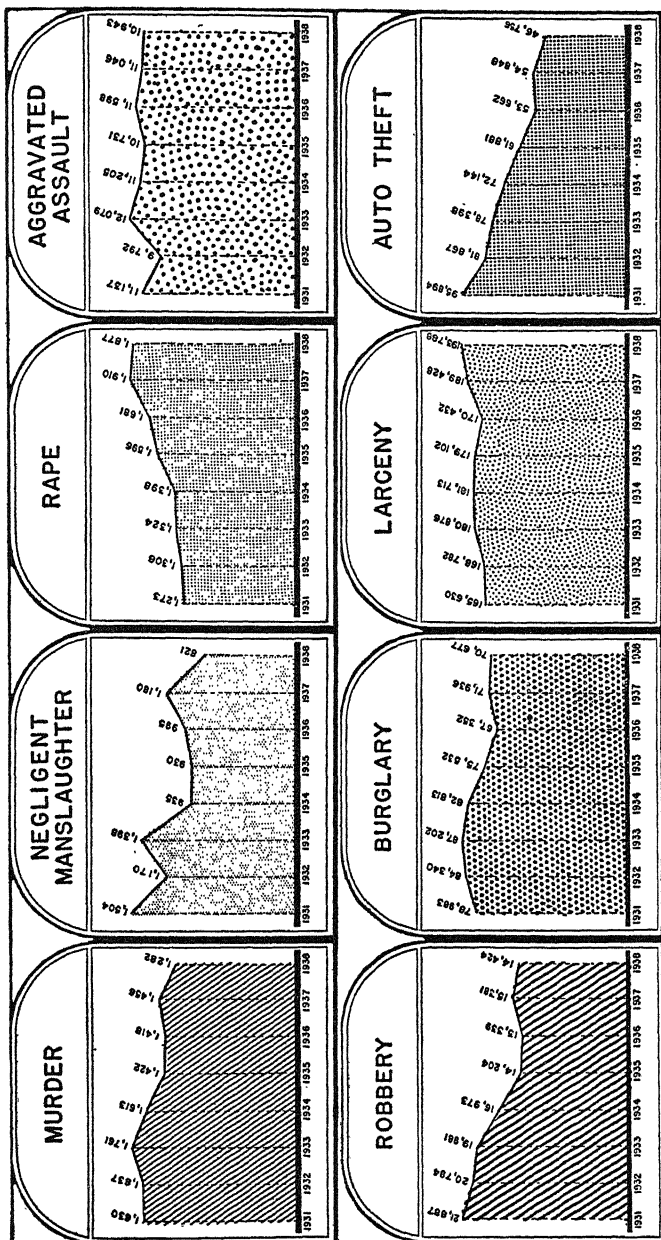


Figure 22. Annual Crime Trends—Offenses Known to the Police

January to December (inclusive) 1931-38. 73 cities, total population 20,912,712

(From Federal Bureau of Investigation, United States Department of Justice, *Uniform Crime Reports*, Vol. IX, Fourth Quarterly Bulletin, 1938, Government Printing Office, 1939, p. 133.)

usually thirty, sixty, or ninety days, and rarely, one year.² Common felonies are murder, manslaughter, burglary, robbery, rape, arson, and perjury; while such offenses as drunkenness, shoplifting, vagrancy, petty theft, gambling, and violation of municipal ordinances are regarded as misdemeanors. There is, however, no hard and fast line between felonies and misdemeanors, nor little basis upon which a universal distinction can be made. Moreover, there is considerable variation in definition from state to state. Though the line of demarcation is faint, the distinction as set forth is essentially true.³

The Magistrates' Courts

The magistrate is an officer of the law existing all over the Anglo-Saxon world. In England he is a part-time, unpaid, highly respected, middle or upper-class citizen. In the United States the magistrate is usually the township justice of the peace in rural territories, and the police or municipal judge in municipalities. In some of the small cities of the country the mayor is a magistrate, and sometimes other municipal officials such as the recorder will act in this capacity. In the larger cities, however, the powers of the magistrate are usually embodied in a court the judges of which are required to be lawyers by profession.

Magistrates' courts have two principal functions in dealing with crime. First, they constitute the trial courts for misdemeanors; and second, theirs is the responsibility for conducting the preliminary hearings of those charged with felonies. It has been usual to consider these inferior local courts as a relatively unimportant aspect of the administration of criminal justice. However, recent studies, notably those of the National Commission on Law Observance and Enforcement, and surveys made in Missouri and the city of Cleveland during the 1920's, have pointed to the extreme significance of the work in this lowest court level. The experiences of a great majority of persons who make any contact whatever with the courts are confined to these inferior

² Newman F. Baker and E. H. DeLong, "The Prosecuting Attorney: The Process of Prosecution," *Journal of the American Institute of Criminal Law and Criminology* (May-June, 1935), Vol. XXVI, pp. 7-9.

³ See Harry Best, *Crime and the Criminal Law in the United States* (The Macmillan Company, New York, 1930), pp. 8-9.

tribunals. Complainants and witnesses at preliminary hearings, the large numbers of misdemeanants, and traffic violators all form their opinions of criminal law administration on the basis of their observations of the magistrates' courts. It is here, and here only, that criminal justice touches immediately the lives of the principal group of citizens. Moreover, there comes before the municipal magistrate a steady stream of first offenders, petty thieves, vagrants, drunks, and other persons on the fringe of criminal careers who can be turned from crime to constructive behavior if the proper sort of judicial influence is exercised. Thus the judge of these lower courts has within his power a tremendous force for the prevention of crime and the reformation of incipient criminals. The difficulty is that he has too seldom been moved to use these powers.

In the 1920's a number of crime surveys and studies of metropolitan courts were made by civic agencies and commissions.⁴ It was found that the magistrates' courts were all too often presided over by incompetent judges, their proceedings were slovenly, their actions governed by politics and graft, their methods arbitrary, their procedures archaic, and their "justice" grossly inhuman.⁵ Of course there are cities where such a description would be entirely unfair, but good criminal law administration in our cities is not yet widespread enough to distort materially the truth of the above statements.

When a person is charged with a misdemeanor he appears before the magistrate, where, ordinarily, final disposition of his case is made. He may be tried before the judge alone, or, if he wishes, may have a jury trial. This jury does not of necessity have to be composed of twelve jurors, as is true in felony trials, but may be of a smaller number, chosen from a regularly constituted panel. Persons convicted of a misdemeanor in one of these courts may often appeal their cases to a higher tribunal.⁶ This

⁴ John M. Pfiffner, "Activities and Results of Crime Surveys," *American Political Science Review* (November, 1929), Vol. XXIII, pp. 930-955.

⁵ Raymond Moley, *Our Criminal Courts* (Minton, Balch & Co., New York, 1930), 271 pp. See also National Commission on Law Observance and Enforcement (Report No. 4) *Report on Prosecution* (Government Printing Office, Washington, D. C., 1931), pp. 45-185.

⁶ National Commission on Law Observance and Enforcement (Report No. 8), *Report on Criminal Procedure* (Government Printing Office, Washington, D. C., 1931), pp. 14-16.

latter practice has so jammed the superior courts with minor appeals that much criticism has been directed against it in recent years. Special appellate courts attached to the magistrates' tribunals themselves have been suggested as the solution to this problem. These special appellate courts would have final jurisdiction in all appealed misdemeanor cases.⁷

Persons charged with felonies must appear in a magistrate's court for preliminary hearing. When arrested for some felonious crime, a person is entitled to hear the charges against him, hire an attorney, and to have an immediate hearing. At this time the magistrate is not called upon to decide the guilt or innocence of the accused; he is merely to determine whether or not there is sufficient reason to believe that a crime has been committed and that there is enough evidence to indicate that the accused should be held for trial. Witnesses and complainants are present at this hearing, as well as the defense attorney and a representative of the prosecutor's office. If the magistrate decides to hold a defendant, he is either incarcerated in the local jail or permitted to go free upon bond set at that time by the court.

THE LAW OF ARREST. English common law has set up a number of safeguards against the illegal and arbitrary arrest of the citizen. Thus only within very definite legal limitations may peace officers exercise their powers of arrest for alleged criminal acts. The first and perhaps most familiar restriction is that having to do with the swearing of warrants. The federal and state constitutions expressly state that the people shall be secure "in their persons, houses, papers and effects, against unreasonable seizures," and that "no warrants shall be issued except on probable cause, supported by oath or affirmation."⁸ This, however, does not mean that officers may not make arrests without a warrant, for the common law and the courts recognize several conditions under which it is not only their right but their duty to place suspects in custody. Thus peace officers have a general authorization to make arrests without warrants when a crime has been committed in their presence, and also when they know a crime

⁷ *Ibid.*, p. 16.

⁸ Fourth Amendment, Constitution of the United States.

has been committed and are reasonably sure that a particular individual is the one responsible.⁹ They may arrest a person in order to prevent the commission of a crime, or may arrest anyone who is obstructing justice.

In many instances the private citizen has about the same powers of arrest as have the duly constituted officers themselves. Thus if a citizen sees a felony committed, he may legally arrest the one who has committed the crime. This is also true if he knows an offense to have been committed and he has reason to believe beyond a substantial doubt that a particular person is the offender. It is likewise a rule of long standing that officers, particularly sheriffs, have the power forcibly to deputize citizens in an emergency. This is known as the *posse comitatus*.

An arrest effected by an officer of the law which does not fall within these limitations is illegal, and any citizen so held is entitled to damages. While in America there is little possibility of recovering from the city or the state for false arrest, there are many cases on record where the courts have allowed large damage claims against individual police officers for false arrest. If the officer is to be absolutely safe, he should go to a judge and get a warrant sworn out before making an arrest.¹⁰ Of course this would slow up the wheels of law enforcement to a serious degree. However, it is becoming the practice in the larger cities to have judges on twenty-four-hour duty to meet this need.

Frequently it is necessary in the interests of adequate crime investigation to detain suspected individuals, sometimes incommunicado. Under a purist interpretation of the *habeas corpus* clause of the state constitutions, such detention would probably not be possible. However, effective crime control makes necessary, as a pragmatic solution, the arrest of individuals on suspicion of committing particular crimes and holding them for two or three days, at the end of which time they are either released or given a preliminary hearing. One of the chief difficulties in criminal prosecution is the danger of defense attorneys' tampering with the state's witnesses. Here again the law has

⁹ *Corpus Juris Secundum* (American Law Book Co., New York, 1936), Vol. VI, p. 587.

¹⁰ National Commission on Law Observance and Enforcement (Report No. 8), *op. cit.*, pp. 18-21.

had to make concessions to necessity. Thus the prosecuting attorney frequently incarcerates a key witness, which action gives him or her a status that is usually referred to as a "material witness."¹¹

THE GRAND JURY. The grand jury is an ancient Anglo-Saxon institution. Under American practice it is made up of from twelve to twenty-four citizens chosen by the judges of the felony court.¹² The principal duty of a grand jury in most parts of the country is to hear evidence and decide whether the accused should be held for formal trial. The official action of the grand jury which brings a person to trial is known as "indictment." The adverse decision of the magistrate in the preliminary hearing is sometimes referred to as "binding over to the grand jury." This means that where the judge finds sufficient cause to hold the accused for trial, he turns the case over to the grand jury whose duty it is to make a decision as to indictment. In many states indictment by grand jury is not a necessary step to prosecution for a felony.¹³ In these states the prosecuting attorney can prosecute upon his own authority. This is referred to as "prosecution by information."

While many grand jury indictments are brought in cases which have previously been bound over from preliminary hearing in the magistrates' courts, the grand jury also brings indictments against persons who may not have been previously arrested. This is frequently the case where the charge is one of fraud involving politically influential persons or where the defendant is so prominent that it would be unwise to make an arrest before cardinal charges can be brought.

The grand jury is an institution which comes in for a great deal of criticism and condemnation. There is little question but that it has often been politically chosen and motivated. Furthermore, such juries are usually under the control of the prosecuting

¹¹ *Corpus Juris* (American Law Book Co., New York, 1935), Vol. 70, pp. 63-64.

¹² Best, *op. cit.*, p. 70. In some states it has been reduced to five, seven, or eight members. C. N. Callender, *American Courts, Organization and Procedure* (McGraw-Hill Book Co., New York, 1927), p. 177.

¹³ Some 25 to 30 states have done away with indictment by grand jury, either in whole or in part. National Commission on Law Observance and Enforcement (Report No. 4), *op. cit.*, p. 35.

attorney.¹⁴ It will be pointed out later that the prosecuting attorney is more often than not politically minded and runs his office largely upon the basis of political preferences. Consequently, it has been charged that grand juries, instead of being popular instrumentalities of crime control, are in fact the dupes of clever prosecuting attorneys. It has been amply demonstrated that grand juries are likely to be militant or peaceful largely in response to the stimulus given by the prosecuting attorney.

The majority of crime surveys and the study of the National Commission on Law Observance and Enforcement have concluded that the grand jury, aside from being the victim of external political motivation, is an archaic and unnecessary institution the need for which has departed. It originated in England as a protection for the private citizen against arbitrary prosecution by often unscrupulous prosecuting attorneys, and against unwarranted private prosecutions. It is now felt that such protection is no longer needed. Many authorities agree that compulsory indictment by grand jury should be abolished and the jury itself relegated to a minor rôle in the administration of criminal justice.¹⁵

FELONY COURTS. The court around which centers the most human interest is the county criminal court with unlimited jurisdiction. Here those accused of murder, manslaughter, burglary, robbery, rape, and other felonies are placed on trial for their lives or liberty. In some states this criminal court is called the superior court; in others it may be the district, circuit, oyer and terminer, common pleas, quarter sessions, supreme, or simply criminal court.

In general, it is an elementary principle of criminal law that one accused of a crime must be tried in the jurisdiction where the crime was committed. In technical terms it is said that the prosecution must be laid in the "venue" of the crime. In this day of radio and multiple-editioned daily newspapers, however, local

¹⁴ *Illinois Crime Survey* (Illinois Association for Criminal Justice, Chicago, 1929), p. 299 ff.

¹⁵ *Illinois Crime Survey*, p. 218; *The Cleveland Foundation Survey of Criminal Justice* (published by the Foundation, Cleveland, 1922), p. 176; *Report of the Crime Commission of the State of New York* (Legislative Document No. 23, New York State Legislature, Albany, 1928), p. 167.

public opinion forms so rapidly and with such strength that often an orderly and impartial trial becomes impracticable in the locality where the crime occurred. For this reason, the statutes of most states provide that a particularly notorious case may be removed to another part of the state for trial. This is known as a "change of venue."

THE JURY. Every individual charged with a crime has the inviolable right of trial before a jury of his "peers" or equals. This is a privilege secured to him by the federal constitution and constitutions of the states, and it may be neither impaired nor withdrawn by any statutory legislation. The trial jury is referred to as a "petit jury," and with a few exceptions consists of twelve persons, chosen from a jury panel.¹⁶

The jury panel is a group of thirty or more persons who have been selected more or less at random from the citizens of the county or district. Upon the issue of a "writ of venire" from the judge of the court, any twelve members of this panel become eligible for service in the trial pending before the court.

The selection of a jury is often a difficult and tedious process. Theoretically a petit juror is supposed to approach his duties with a mind free from bias and information relative to his particular case. Thus the attorneys on either side have the right to question each prospective juror as to his biases, information, background, experience, or other matter which might affect his decision in the case. As a result, those whom either prosecution or defense feel would be prejudiced in their judgments are challenged by the attorneys, and they become no longer eligible for duty in that particular case. The "challenges" may be of two kinds, each side having the power to issue an equal number. Challenges for cause are based on the grounds that the prospective juror is either generally unqualified for jury duty or is prejudiced as to the immediate case. Their use is unlimited. Peremptory challenges, however, may be made without any reason, and entirely at the will of the attorneys. In other words, either the prosecution or the defense may challenge such jurors as they feel may decide against them. In important criminal cases, where jury selection

¹⁶ 16 *Ruling Case Law* 221.

is likely to consume several days, each side has as many as twenty such peremptory challenges. Thus, as often happens, when a single panel is insufficient to fill the jury box with twelve qualified and acceptable jurors, subsequent panels are certified until there have been found twelve persons satisfactory to all parties concerned.

In recent years some of the more progressive states have made provision for selecting a thirteenth or fourteenth juror, so that if one juror becomes ill during a long case which lasts for six or eight weeks, an alternate will be ready to replace him. In such instances the alternates hear all the evidence and comply with the same rules and procedures as do the twelve regular jurors.

PROCEDURE. As soon as the jury has been selected and duly sworn in, the trial itself may proceed without further delay. The prosecuting attorney produces his witnesses and evidence first. If his case has been largely circumstantial and not particularly strong, the defense will usually then move for a dismissal of the charges by means of either a demurrer or a motion for a directed verdict of acquittal. It thereupon becomes the judge's duty to determine whether or not the case of the prosecution has been strong enough to warrant continuation of the trial. This is in most cases merely a formal interlude, for charges are seldom dismissed at this time. Ordinarily, the court requests the defense to present its evidence and witnesses, after which the prosecution is given the right of rebuttal. When the hearing of testimony has ceased, the prosecuting attorney makes his plea to the jury. Then the attorney for the defendant makes a plea for his client, after which the prosecuting attorney may make a rebuttal plea if he so desires.

When the attorneys have completed their final pleas, it is time for the judge to charge the jury. It must be remembered that throughout the trial the judge has acted merely as an umpire, taking little active part in the proceedings and then only to define rules of procedure for the opposing counsel. This is in keeping with the so-called "sporting theory" of justice, which has become so deeply imbedded in American criminal practice. According to this theory a criminal trial should be a fair contest between opposing counsel and the only function of the judge should be

to define the rules of the game.¹⁷ The power of the judge to instruct the jury is likewise strictly limited. Thus in most states his charge is merely a statement of the legal powers and duties of the jury, while all discretionary right to influence them in reaching a decision has been withheld from him.¹⁸

The judge has not always been so restricted; in fact the right to comment on the weight of evidence was one of his most important common-law privileges.¹⁹ In England the court still retains this privilege, and divesting him of this right is a practice of purely colonial and American origin. However, there are indications that the judge's ancient prerogative is slowly being returned to him.²⁰ In federal criminal cases the judges now have the right to comment on the weight and credibility of the evidence, and in about fifteen states, either by the repeal of restrictive statutes or by judicial interpretation, the judge has been accorded the same privilege.²¹ Consequently, in these places his power to influence the jury's verdict is considerably greater.

THE LAW OF EVIDENCE. The Anglo-Saxon jury system presumes that juries, being composed of laymen, should be protected from hearing irrelevant and prejudicial information. There have been developed a number of technical rules of evidence, according to which it is either proper or improper for certain testimony to be admitted to the record. These rules are so many, so varied, and so complex, that the usual law school devotes a full year's course to the law of evidence. Some of the more important of these rules follow. Evidence must be material and relevant to the points at issue. It must not be spontaneous, but in answer to specific questions put by counsel. Counsel, however, is not allowed to ask leading questions. Witnesses must give evidence as to observed facts and not their own opinions or beliefs. An exception to this is the testimony of experts, such as doctors or psychiatrists. Neither may hearsay evidence be

¹⁷ Joseph N. Ullman, "Criminal Prosecution in Canada," *Journal of the American Institute of Criminal Law and Criminology* (July-August, 1935), Vol. XXVI, pp. 165-167.

¹⁸ *14 Ruling Case Law* 725.

¹⁹ J. S. Tennant, "The Right of a Trial Judge to Comment on the Evidence," *Journal of the American Judicature Society* (June, 1932), Vol. XVI, pp. 16-20.

²⁰ Moley, *op. cit.*, p. xix.

²¹ Tennant, *op. cit.*, pp. 16-20.

introduced, except for previous confessions, dying declarations, and other exceptional instances.

The evidence is written down by a stenotype or shorthand reporter and later transcribed to typewritten copy. The importance of the record of evidence lies in the fact that it later becomes the basis for an appeal to the appellate courts. In a criminal case there can usually be an appeal only in the case of a conviction. The state ordinarily does not have the right of further prosecution in the event of an acquittal. According to the common law an acquittal by a jury is an utter absolution, and no appeal may be made therefrom. This is in accordance with the principle of double jeopardy, usually stated in a so-called "bill of rights" to the effect that a person shall not be twice held in jeopardy for the same crime. However, some states have enacted statutes which provide that the state may appeal an acquittal verdict in certain exceptional circumstances.

In cases where the jury becomes a "hung jury," which means that it is divided and can reach a verdict neither for conviction nor acquittal, jeopardy continues to exist until there has been a new trial or the charge becomes outlawed by the statute of limitations. By the latter term is meant that criminal charges and other legal liabilities will usually lapse after a certain number of years prescribed by law have passed.

CRITICISMS OF TRIAL BY JURY. Beneath a surface acceptance of the jury system, there seems to grow an ever greater distrust and disapproval of this ancient institution and some of its practices. Commentators on public matters, from the high school debaters to the most honored members of the bench and bar, have all voiced their criticisms of the way in which trial by jury works today. In the first place, they say, those who are selected for jury duty are incompetents, chosen from among the least responsible and intelligent members of the citizen group. They point to the fact that it is usual to exempt by statute all such persons as doctors, lawyers, pharmacists, teachers, preachers, newspaper men, public office holders, dentists, embalmers, engineers, and many others. It is likewise quite prevalent for all business men who would be inconvenienced by such service to receive exemptions. As a result, those with little or no education and inferior mental

and emotional qualifications comprise the great majority of eligible jurors.

An official report has recently characterized the jury system in the following manner :

We commonly strive to assemble twelve persons colossally ignorant of all practical matters, fill their vacuous heads with law which they cannot comprehend, obfuscate their seldom intellects with testimony which they are incompetent to analyze or unable to remember, permit partisan lawyers to bewilder them with their meaningless sophistry, then lock them up until the most obstinate of their number coerce the others into submission or drive them into open revolt. The average citizen rebels at the very thought of being forced to participate in such proceedings, and regards jury duty as an irksome and humiliating task, to be avoided if possible.²²

Juries have been roundly criticized because they tend to judge the law as well as the facts. Of course, some states make the jury judge of both law and fact in criminal cases; but in the majority, which do not, flagrant violations of law and judicial principles have often resulted from the jury's attempt to define the law. This has frequently been done in open contradiction to the judge's instructions. Moreover, the fact that, as has been previously stated, the judge cannot usually comment on the weight of the evidence makes justice a lottery in truth. A jury of twelve ordinary citizens at best, without guidance from the court, becomes lost in the bewildering mass of technical facts and even more technical laws. There should be little wonder that juries often, in despair, give up the task of analyzing and synthesizing the evidence and, instead, base their decision on personal and subjective reactions.

Critics of the jury system generally realize that its abolition would be a mistake, or at least an impossibility. They have therefore developed suggestions for its improved administration, some of which deserve attention here. In the first place, it is felt that the method of securing jury panels should be improved, with

²² Joint Legislative Commission (Pennsylvania), *Report to the Governor* (Commonwealth of Pennsylvania, Harrisburg, 1938), p. 45.

the object of making this process a more selective one.²³ In the cities of Detroit, Cleveland, Los Angeles, and New York progress in this direction has already been made. In the first three named cities a system of selection is now in effect by which only voters with certain proved qualifications are accepted for jury duty. A list of some 20,000 to 30,000 voters is chosen at random, and on the basis of personal examinations all but one-third or one-fourth are eliminated.²⁴ In New York the commissioner of jurors is empowered to select, from all those qualified to serve on juries, those he feels most competent. These are called special jurors and the system is known as the "blue ribbon" jury system.²⁵

The second major proposal for improving trial by jury is to return to the judge his right to comment on the weight of the evidence and the credibility of various witnesses, thus giving him greater power to lend much needed guidance to the jury in its deliberations. The majority of the crime commissions which have studied criminal justice and its administration recommend the adoption of this proposal.²⁶

A third recommendation advocated by the critics and specifically endorsed by the crime commissions is that of permitting the defendant and the prosecutor jointly to waive trial by jury and substitute for it trial by judge. It will be found that such waiver now exists in Maryland, Connecticut, Michigan, California, Wisconsin, Washington, and New Jersey. However, the courts have been particularly reluctant to allow waiver of jury trial, even when both prosecution and defense so desired, without express statutory authorization. Consequently those states in which trial by jury may now be waived have had to secure this practice by specific legislation.²⁷

In Baltimore, where waiver of jury trial is permitted, the Criminal Justice Commission claims that 93 per cent of all criminal cases are now tried by judges. It has been reported that in Connecticut over 70 per cent of the criminals brought to trial elect

²³ *Ibid.*

²⁴ "High Average Quality of Jurors in Detroit," *Journal of the American Judicature Society* (December, 1935), Vol. XIX, p. 113.

²⁵ Moley, *op. cit.*, p. 112.

²⁶ National Commission on Law Observance and Enforcement, *op. cit.*, p. 123.

²⁷ 16 *Ruling Case Law* 219-220.

to be tried before a judge,²⁸ while in Michigan about three-fifths of the criminal trials are heard before a judge without a jury.²⁹

The Integrated Courts

Municipal courts have in the past been largely disintegrated and disorganized, with resultant injury to the conduct of judicial business.³⁰ In New York City, for example, the hierarchy of courts is so complex that to those not thoroughly familiar with the system it is utterly baffling. There are sixteen independently operating courts of first instance, including eleven "superior" courts, and five city-wide courts of limited jurisdiction. The Supreme Court is a court having original jurisdiction in all cases of law and equity, while five Surrogates' Courts handle cases at probate law, and five county courts maintain jurisdiction over criminal cases. In addition there are two courts of exclusively civil jurisdiction, two exclusively criminal, and one Domestic Relations Court having jurisdiction over dependent children and failure-to-provide cases.³¹

The elective judge system has made the judges, on the whole, independent of each other and subject to no central management control. In many cities each judge presides over a special and distinct geographical district. In other instances, their jurisdiction is city-wide, with the result that lenient judges often get all of the criminal business. Court calendars for particular jurists are crowded to the point where trial dates have to be set ahead for a time so distant that witnesses and evidence often disappear, while other judges have more than enough time to devote to trial work. The result is that court reformers have for the past quarter century devoted their attention largely to changes in form and organization.³² The spear-head of the reform movement has

²⁸ Moley, *op. cit.*, p. 126; Callender, *op. cit.*, p. 186.

²⁹ See David Previant, "Waiver of Trial by Jury," *Wisconsin Law Review* (February, 1935), Vol. X, p. 275 ff.

³⁰ E. R. Sunderland, "Progress Toward a Better Administration of Justice," *Journal of the American Judicature Society* (August, 1933), Vol. XVII, pp. 49-54.

³¹ New York State Constitutional Convention Committee, *Judicial Administration and Organization* (published by the Committee, Albany, 1938), p. 1088 ff.

³² Leon Green, "American Court Organization," *Journal of the American Judicature Society* (October, 1934), Vol. XVIII, pp. 75-79.

been the American Judicature Society, whose ceaseless evangelism has inspired many successful court reorganizations.³³

The integrated court consists of a single tribunal bringing all of the judges of the municipal court together under a presiding judge, whose office is rotated among the member judges. The court has city-wide jurisdiction and is divided into certain functional subdivisions. Thus in a municipal court which has magistrates' jurisdiction, as well as limited civil jurisdiction, one would probably find the following divisions. A certain number of judges would be allocated to criminal work, which would include misdemeanor cases, preliminary hearings, and police court work. In this division would be the "night court" and "sunrise court" found in most cities. Another group of judges would be assigned to hearing civil cases, still others to traffic violations. Some integrated municipal courts include additional divisions—for example, juvenile and domestic relations—although there is much variation in this regard.

It is the duty of the presiding judge to assign the judges to the various benches, although occasionally this requires the voted consent of the other judges. The degree of supervision which, according to the law, the presiding judge can exercise over his colleagues has been an expression of the reformers rather than an actuality. In practice it has not been achieved. Judges are like other professional people; they resist co-ordination. They are inherently individualistic, with the result that integration frequently comes in theory only. They have, however, in a few cities submitted to the so-called "Master Calendar System," undoubtedly a great step toward better judicial administration. Previously when there were a number of judges independent of each other and subject to no administrative control, each ran his own calendar, with the result that there was a great deal of congestion. Today the integrated courts of Detroit and Los Angeles have master calendar systems wherein there are two master calendar departments, one for criminal cases and one for civil.³⁴

³³ "Concerning the American Judicature Society," *Journal of the American Judicature Society* (June, 1936), Vol. XX, pp. 9-18.

³⁴ "Prompt Trial in Los Angeles Courts," *Journal of the American Judicature Society* (April, 1934), Vol. XVII, pp. 170-171.

When a person charged with a felony has been indicted by a grand jury or proceeded against by the prosecutor upon information, he must be arraigned before the criminal master calendar judge. There he is informed of the crime charged against him and permitted to plead, usually "guilty" or "not guilty." In some states there is also a special plea of "not guilty by reason of insanity." If his plea is "guilty," the accused is sentenced without further trial. If the plea is "not guilty," the date for trial is set by the master calendar judge and the trial judge designated. A similar procedure is followed in the civil master calendar division. This system permits the allocation of cases to the various departments and judges upon the basis of capabilities, aptitudes, and status of the calendars of the individual judges. It is given a great deal of credit for bringing the criminal calendar currently up to date in Boston, Detroit, and Los Angeles, in contrast to the long delays in criminal cases which have so often been characteristic of American justice in the past.³⁵

The integrated court and master calendar system had its origin in the Chicago Municipal Court of thirty or more years ago. It was given tremendous impetus by a liberal and progressive judge, Harry Olson, who presided over the court for many years.³⁶ Unfortunately, the Chicago Municipal Court did not live up to its original promise of spiritual as well as structural leadership in the reform of criminal justice. The reason goes back to the same considerations that affect the relation between form and substance in other fields of administration. Students of political science know that reform of an administrative structure in state governments has not always led to a corresponding improvement in administration itself. This has caused many to question the efficacy of trying to bring about structural reform at all. These people feel, rather, that the only real progress to be made toward better administration of criminal justice will have to come through improvement in personnel. That is to say that the quality of the judges chosen to sit upon the bench will

³⁵ "Pretrial Hearings in Los Angeles and Boston," *Journal of the American Judicature Society* (June, 1937), Vol. XXI, p. 14.

³⁶ "Harry Olson, Advocate, Judge, and Scientist," *Journal of the American Judicature Society* (August, 1935), Vol. XIX, pp. 47-49.

have to be substantially bettered. The political election of judges, it is said, has a corrupting effect upon the character of judicial office, for the elective magistrate becomes little more than a politician or political hireling, bowing either before will-o'-the-wisp public opinion or the dictates of a party boss.³⁷ Having lost a private law practice when ascending to the bench, the judge feels that his subsequent livelihood depends on his re-election. Thus the path of political preferment, often the way of the sycophant, must be his to follow. The result is frequently the elevation of inferior individuals to judicial office. Consequently it is suggested that criminal justice will become well administered only when judges are appointed on the basis of merit alone for an indefinite term of office.³⁸

The answer to the above argument is that neither structure nor personnel can bring about an absolute change in the spirit of things where the environment completely rejects the substance of progressive and liberal movements. Such was the case in Chicago; such is the case wherever entrenched political interests maintain themselves by thwarting all forward-looking movements.

It seems to be a valid conclusion, however, that the adoption of the integrated court system in Boston, Detroit, and Los Angeles, where it has had a sympathetic reception in its spirit, has brought about decided improvements in the administration of criminal justice.³⁹

Juvenile Court Movement

At the beginning of the twentieth century any child over 7 years of age was held legally capable of performing a criminal act. In the eyes of the law the juvenile who committed a criminal offense was as culpable and deserving of punishment as was the adult offender. This was true in an era when the criminal courts were a harsh, vindictive institution, bent almost wholly

³⁷ "Bold Analysis of the Crime Problem," *Journal of the American Judicature Society* (June, 1935), Vol. XIX, pp. 13-14.

³⁸ National Commission on Law Observance and Enforcement, *op. cit.*, p. 3.

³⁹ Ewell D. Moore, "No Delayed Justice in Los Angeles Trial Courts," *Los Angeles Bar Association Bulletin* (February 15, 1934), Vol. IX, pp. 123-124; "Superior Court in Boston Modernizes Procedure," *Journal of the American Judicature Society* (August, 1935), Vol. XIX, p. 39.

upon the seeking of a punishment for crime which would be the most fitting retribution or revenge for a given criminal act. So the child was tried in the same court, given the same harsh treatment, and sentenced in the same manner as the hardened criminal. He was thereupon thrown into the same jail, where he more often than not developed the outlook of this latter individual and became thus prepared for a life of crime.

Eventually, a number of judges whose human sensibilities had revolted against such an unnatural procedure, together with a majority of the social work group, inaugurated a movement for the establishment of separate juvenile courts. Between 1900 and 1933 this movement was responsible for securing the adoption of legislation providing for special juvenile court organizations in forty-six states.⁴⁰ Today there is not a single American city with a population of 100,000 or more which does not have a court especially organized for children's work.

The juvenile delinquent is now regarded, not as a criminal, but rather as one who has been misguided and is in need of redirection. He is not an enemy of society, but merely a person led astray through youthful exuberance, or irresponsibility, or perhaps a bad environment. Considerate and understanding treatment will often effectuate his return to constructive pursuits, whereas a lack of such treatment may result in the strengthening of his criminal tendencies.

Juvenile delinquents are no longer remanded to the city or county jail but rather are sent to what is known as a juvenile detention home. This detention home is a place where the children are temporarily held in the custody of the juvenile court. In a progressive city it will house a panel of clinicians, including psychiatrists, psychologists, medical social workers, probation officers, and educational advisers.⁴¹ It may even have a branch of the city school system, where the children may continue their education while being detained. Here there is an effort to get away entirely from the type of discipline so characteristic of the

⁴⁰ Children's Bureau, United States Department of Labor, *The Child, the Family, and the Court* (Government Printing Office, Washington, D. C., 1933), p. 12.

⁴¹ C. H. Calhoun, "Relation of the Clinic to the Delinquent Child," *Yearbook, National Probation Association, 1937* (The Association, New York, 1937), pp. 300-309.

old jail and reformatory systems.⁴² The entire spirit of this home is an attempt to minimize the idea of punishment and incarceration. Rather, every effort is made to preserve a pleasant, home-like atmosphere; and instead of harsh discipline, the children are stimulated to develop a democratic atmosphere of self-discipline and control. The institution is one wherein the delinquent child is considered as pathologic rather than as possessing an evil will. Thus the approach is one of diagnosis, treatment, friendly counsel, and advice.⁴³

In the juvenile court itself attention is directed toward determining the proper treatment rather than punishment for the child offender. Jury trial rules of evidence and the procedural rules followed in the criminal court for adults are altogether ignored. One visiting a juvenile court conducted along modern lines will usually see an arrangement somewhat as follows. The judge will sit in chambers rather than in an open courtroom, all spectators being barred. The youthful delinquent will be ushered into the room where there will be present the probation officer, probably the juvenile police officer, and the parents, guardian, or other relatives of the defendant. The judge will start off the case without any legal formalities, merely smiling at the defendant, and saying, "Hello, Jack, how are you this morning?", every attempt being made to set him at his ease. The judge will be handed a file containing the case record, including the report of the psychiatrist, the psychologist, the medical social worker, and the final report and recommendations of the probation officer. He will be enabled to make a hasty but rather thorough survey by referring to certain summary items which are on the top sheet of each file.

If it is a case of a broken home, which is so often responsible for juvenile delinquency, and if both parents are present, the judge will undoubtedly make an attempt to see if they cannot be induced to re-establish the home. If it is seen that neither parent is fit or capable to care for the child, the decision may be to

⁴² See Salvilla Millis, *The Juvenile Detention Home in Relation to Juvenile Court Policy* (The University of Chicago Press, Chicago, 1927), 96 pp.

⁴³ Phyllis Bartelme, "The Psychologist as a Factor in Court Treatment," *Year-book, National Probation Association, 1937* (The Association, New York, 1937), pp. 316-324.

search for a foster home. In any event, the decision ultimately reached is one which the clinical specialists, the probation officer, and the judge have come to regard as being in the best interests of the child. The final decision, however, is always that of the judge.⁴⁴

JUVENILE PROBATION. In many states juvenile offenders are technically convicted, sentenced, and released under probation. This means that instead of being sent to a reformatory, they are given their freedom under the supervision of probation officers. Frequently the rôle of these probation officers is even more important to the delinquent than is that of the juvenile court judge himself. Many authorities feel that the success of the court depends more on the day-to-day supervision of its probation officers than upon any of the activities of the judge. It is here that the delinquent's opportunities for reorientation and for the substitution of constructive habits and attitudes for morbid ones are greatest. Whereas the judge has a contact lasting from half an hour to one hour with the child, the probation officer stays with him throughout all of the long, delicate process of adjustment and adaptation. Thus it is often largely through the skill and understanding of the probation officer that the wayward juvenile is returned to normal and constructive channels of behavior.

Advance thinkers in the field of juvenile delinquency predict that the ultimate development will be to abolish the juvenile court entirely, recognizing frankly that the problem is not a legal one, but one that is amenable only to the clinical approach. Thus it may be that the lawyer-trained judge will some day be eliminated altogether from dealing with the juvenile delinquent.⁴⁵

Others, however, feel that the juvenile court should be retained but its functions strictly limited.⁴⁶ These persons hold that the probation work of the courts is more common to the case work services and treatment processes of the social agencies, and there-

⁴⁴ Best, *op. cit.*, pp. 90-110.

⁴⁵ Joseph Siegler, "Exclusive Jurisdiction of the Juvenile Court," *Yearbook, National Probation Association, 1937* (The Association, New York, 1937), p. 279.

⁴⁶ Thomas D. Eliot, "Case Work Functions and Judicial Functions," *Yearbook, National Probation Association, 1937*, (The Association, New York, 1937), pp. 252-266.

fore should be removed from the courts and placed with these agencies. As a result, the juvenile court would perform only strictly judicial functions, such as ascertaining facts, hearing cases, and rendering decisions. It would then seek the co-operation of the social agencies in the actual processes of treating juvenile delinquents according to modern social work techniques.

CO-ORDINATING COUNCILS. A few years ago the only agencies actively interested in the problems of juvenile delinquency were the juvenile court and certain professional social work agencies. Today, however, the movement for citizen participation in the attack upon the social problems of the child is gathering a great deal of momentum. Throughout the country there are being organized what are known as co-ordinating councils, or neighborhood or community councils, composed not only of social workers but also of a number of lay citizens as well. Their purpose is to co-ordinate the work of the city and county officials, the courts, and the social agencies in their efforts to cope with the problem of juvenile crime. Thus in a large city there will be, in the various geographical districts, co-ordinating councils representing the officials, social workers, and citizens in that area.

The job of these agencies will be, not to handle specific cases of delinquency, but to determine the existence of such cases and then see to it that one of the official or professional agencies is made responsible in each instance. Furthermore, in their efforts to prevent delinquency, they foster a wide variety of constructive activities such as playgrounds, summer camps, toy libraries, boys' and girls' clubs, athletics, psychiatric services, and vocational and employment services. In addition they attempt to exercise supervision over dance halls, liquor establishments, and other places likely to be breeding grounds for delinquency. To educate the public in general to a realization of the place of juvenile work in the prevention of crime, these co-ordinating councils often make studies and analyses which they report through the radio and the newspapers. In 1938 there were some 350 co-ordinating councils in the United States, an increase of 50 over 1937.⁴⁷

⁴⁷ Kenneth S. Beam, "Report of a National Survey of Coordinating and Neighborhood Councils," *Yearbook of the National Probation Association, 1938* (The Association, New York, 1938), pp. 309-326.

Specialized Courts

While in the smaller cities most court functions can be taken care of without functional divisions, a municipal court in a large metropolis finds it necessary to have specialized departments. In a departmental municipal court one will find, in addition to the traffic court, other specialized branches dealing with a wide variety of cases falling under a general classification of social work. These deal with women misdemeanants, failure-to-provide cases, and domestic or family difficulties. These special courts are usually known as "family courts," or "courts of domestic relations," and are in large part an outgrowth of the juvenile court movement. It was often found in treating juvenile delinquents that the real difficulty lay in the child's home environment, and that to correct his behavior it would be necessary to do something about conditions at home. Instead of burdening the juvenile court itself with the disposition of family difficulties, many cities have set up these separate "domestic relations" or "family" courts.

As is true of the juvenile courts, the family court has its social service department with trained social and psychiatric workers who investigate cases, advise the parties concerned, and often attempt to effect solutions without the necessity of a court hearing. Indeed, one of the main purposes of the family court movement has been to provide a means whereby social evidence rather than legal evidence can be made the paramount consideration in solving domestic problems.⁴⁸

BUSINESS AND ADMINISTRATIVE PRACTICES. Every court must have a corps of non-judicial employees, chiefly of a clerical nature. In courts of record, all of the testimony must be taken down in shorthand. Such courts have a group of shorthand reporters. There must also be a clerk, who handles and files the records of the court. Frequently such a person must care for considerable sums of money. Some of the chief difficulties in the past have grown out of the faulty administration of justice of the peace and police courts. As one of the three independent branches of American state government, the judiciary has always regarded

⁴⁸ Children's Bureau, *op. cit.*, pp. 13-17.

itself as removed from administrative direction and control. There has been a diffidence on the part of the legislature to enact laws which provide for such administrative controls, and a hesitancy on the part of the financial officers of local government to try to impose them. Furthermore, the appointment of the clerical officers for justices of the peace and police judges has frequently been of a highly political nature. The courts all over the United States have tended to resist the extension of the civil service to court employees.

There has been a rather general lack of proper systems of accounting for the funds collected and disbursed by officers of the court. This has usually not involved the judges themselves, but rather the trusted appointees of the judges. It has not been at all uncommon for the clerk of a justice court to collect fines and costs, deposit them in his own bank account, and transfer these funds to the city or county treasurer at his leisure, which has sometimes meant several weeks later. The consequence has been rather frequent defalcation and poor accounting for the funds of municipal courts in general. The last decade has made legislative and municipal administrative officers so aware of the abuses in this connection that, in many cities, the central accounting offices have been empowered to install control systems in the courts. Furthermore, the courts have been made subject to current audit by the traveling auditors from the central accounting office. Defalcation is almost sure to exist at one time or another in these minor courts unless the central accounting office is given control both over the installation of systems and the making of current audits.

CHAPTER XI

PROSECUTING OFFICIALS

Every criminal court is surrounded by a number of officers without whose activities the administration of justice would be impossible. Some are responsible for bringing offenders into the courts, others for investigating their cases and trying them, still others for defending them, and others for imprisoning or supervising those who have been convicted. Theirs is a rôle of action; they implement justice by bringing to it those who have offended against its principles, and by insuring that its decisions will be adequately enforced.

The Prosecutor

There is probably no office of local government that has been a more effective stepping stone to political advancement than that of prosecuting attorney, sometimes referred to as district attorney. He is usually a county officer, although technically regarded as an officer of the state and sometimes referred to as state's attorney. The "district attorney" of the county should not be confused with the United States District Attorney. There is a United States District Attorney for every federal judicial district. He is purely a federal officer and prosecutes only federal crimes. The local prosecuting attorney for the state is almost invariably an elective official.¹ In the larger municipalities he is frequently associated with the dominant political machine, and charges are very common that his prosecuting activity is motivated by political considerations. He has it in his power to prosecute aggressively those not in the favor of the powers that be,

¹ Connecticut, Florida, New Jersey, and Delaware are exceptions. E. H. DeLong and N. F. Baker, "The Prosecuting Attorney: Provisions of Law Organizing the Office," *Journal of the American Institute of Criminal Law and Criminology*, (March-April, 1933), Vol. XXIII, p. 931.

and to delay or quash actions against those who may be guilty but upon whom the favor of power falls. As the guide and mentor of the grand jury, he can see that indictments are or are not brought in accordance with his own desires. Where he possesses the right of prosecution through his own information, the same situation prevails. When public opinion or the grand jury, in defiance of his will, forces an indictment, he still has the power to quash proceedings either through delay or by his power of *nolle prosequi*. This is the power to nullify a prosecution or in effect to legally put a stop to prosecution proceedings.

As a result of all his powers and prerogatives the prosecuting attorney has come to have more influence over the administration of justice than the judges themselves. Thus the great majority of those arrested for violations of the law never get to the courtroom, but rather have their cases disposed of by the prosecutor at his discretion. Where his office is allied with the political machine, he often allows organized crime to operate almost unrestrained. The reason for this goes back to the almost inevitable connection between the criminal organizations and organized politics.² This connection is based on the fact that political campaign funds are derived in large part from the contributions of those organized crime groups which would benefit from an immunity from criminal prosecution.³ Consequently the office of prosecuting attorney, with its freedom from central control and its power to prevent prosecution, becomes a political prize which is sought after jointly by corrupt politics and organized crime.⁴

The prosecutor himself is too often a politically motivated person of mediocre background and abilities. When this is the case, his purpose becomes two-fold. First, he must satisfy his political creditors, and second, he must appear to the public as a fearless and productive servant of justice. The first, as has been noted, may be achieved by deliberate refusal to prosecute criminals, while the second is largely accomplished by prosecuting

² National Commission on Law Observance and Enforcement, *Report on Prosecution*, Report No. 4 (Government Printing Office, Washington, D. C., 1931), pp. 14-16.

³ *Ibid.*

⁴ *Ibid.*

a few spectacular cases vigorously and with a great deal of publicity. The public, knowing little or nothing of the countless offenses disregarded, tends to look upon him as a faithful and efficient administrator of the law.

There are those who claim that while the prosecutor has vast powers, he is also hedged in by many strangling restrictions. These restrictions, it is said, are the reason for the apparent breakdown in his administration of the law. Thus they point to the ever growing burden of his duties brought on by the growing number of acts being made criminal by law; to the constitutional guarantees to the accused which are so often taken advantage of by unscrupulous defense attorneys; and to the lack of co-operation from police departments which forces the prosecutor to do much of his own investigating. Many authorities in the field, however, have come to believe that the problems of criminal prosecution are inextricably bound up within the complexity and political disorganization of local government, and that they will not be solved until political corruption is removed from the municipalities.⁵

In many cities the use of a device known as the "bargain plea" has become quite prevalent. By this it is meant that the prosecutor and the accused enter into a bargain whereby the former will bring charges for a less serious offense than the one originally charged, in return for a plea of guilty from the accused. This not only "builds up" the record of the prosecutor as to number of convictions, but often proves a valuable means of fulfilling obligations to criminals with the political affiliations mentioned above. When the people, the police, and the grand jury will not be denied, often the only path left to the prosecutor is to prosecute. In such an event he can save the influential criminal only by inducing him to plead guilty to a less serious offense, thus being "let off" with a light sentence. In New York City between June, 1937, and June, 1938, three-fourths of all guilty pleas in the county courts were to lesser offenses than those charged in the original indictment.⁶

⁵ Newman F. Baker and E. H. DeLong, "The Prosecuting Attorney and Reform in Criminal Justice," *Journal of the American Institute of Criminal Law and Criminology* (March-April, 1936), Vol. XXVI, pp. 821-846.

⁶ Citizens Commission on Control of Crime, *Twelve Months of Crime in New York City* (The Committee, New York, 1938), pp. 8-9.

CITY PROSECUTORS. Large cities often have a city officer to prosecute misdemeanors in the municipal and police courts. These activities may actually be carried on in the office of the city attorney by one of his own deputies. It is his duty to prosecute the violation of municipal ordinances and in many instances also the violation of state misdemeanor laws within the city. Where an arrangement such as this prevails, the county district attorney usually loses his right to prosecute in the municipal courts, except for the preliminary hearings of felony cases. He is thus limited to prosecution in the rural justice of the peace courts and in the county courts with felony jurisdiction.

The use of special city prosecutors has proved to be a substantial improvement over the system whereby representatives of the district attorney's office are assigned to misdemeanor cases in the municipal and police courts. The latter situation almost invariably means that cases will be unprepared and poorly presented, with resulting injury to the cause of justice. In the cities of St. Louis, Cleveland, San Francisco, and Los Angeles, among others, provision has been made for such special city prosecutors.⁷

The Sheriff

The sheriff is an ancient common-law officer who still remains as an elective county official in large sections of the United States. His police and law-enforcement duties usually do not extend within the jurisdiction of the large municipalities, which have their own police forces. However, he has two important functions relative to municipal administration. In the first place, he is very often the jailer for the county jail, which is the jail in which those who are awaiting felony trial are incarcerated. In the second place, the sheriff is traditionally the officer to execute the orders of the court. Thus he takes the necessary action in foreclosure proceedings, serves various types of legal notices, and he or his deputies very frequently act as bailiffs for the county courts.

⁷ E. H. DeLong and Newman F. Baker, "The Prosecuting Attorney—Provisions of Law Organizing the Office," *Journal of the American Institute of Criminal Law and Criminology* (March, April, 1933), Vol. 23, pp. 931-932; also "Criminal Justice on High Plane in Cleveland," *Journal of the American Judicature Society* (December, 1935), Vol. 19, p. 111.

In places such as New York and San Francisco the sheriff has surrendered all of his law-enforcement functions. He is now merely the jailer and also performs certain civil functions for the court.

The bailiff is also an ancient common-law officer. Today he is merely a court attendant, a sort of combined bodyguard, town crier, and butler to the judge. There is a growing protest on the part of police and sheriff's departments against detailing their own uniformed men to this work. They claim that it is a gross abuse of the time of one trained to be a police officer. It is work which could just as well be done by individuals with other qualifications.

Public Defender

The practice of criminal law in the United States has never been very lucrative. Furthermore, one who is specialized in such practice has been looked upon with more or less disfavor by his brother members of the bar. This usually accompanies a tacit assumption that one who prospers in handling criminal cases is not proceeding thoroughly in accordance with the tenets of professional ethics and personal integrity. To be sure, in practically every large city there are one or more individuals who have reputations as great criminal defenders. They are usually retained when there come within the toils of the law persons with some notoriety who belong to that layer of society bordering between the underworld and respectability. The average professional criminal, however, has no money for defense. The same is true of that great body of persons who get into the ways of crime largely because they were unfortunate enough to be born into the wrong environment. In other words, a large proportion of criminal defendants are indigent.

In the past it has been the custom for the judge to designate a particular attorney to act as defense counsel for an individual without means. He was usually either a young lawyer anxious to gain experience, or an older attorney who loitered in courtrooms for the specific purpose of receiving such a designation. In some states those assigned to the defense of indigents were given compensation; in other states they were not. Where com-

pensation was provided, the state paid these attorneys usually from \$10 to \$15 on a per diem basis.⁸

In some states the abuses of this system for guaranteeing all defendants their constitutional right of representation by counsel have become so vicious that reform has been necessary. In those jurisdictions where compensation was provided, there grew up a class of lawyers whose chief income resulted from designations to defend poor criminals at state expense. Thus they resorted to political pressures and devious means for inducing judges to appoint them to cases. Where the state failed to provide payment for legal services, the result was that the appointed attorneys often went to the defendants' families or relatives and arranged for the installment paying of exorbitant fees. Often they refused to do anything about a case, leaving the defendant to "cool" in jail, until a substantial payment had been made. This resulted frequently in the reduction of whole families to the most cruel kind of poverty. Moreover, the calibre of their defense was poor. Recently in a midwestern state two young men were indicted for the same crime. They were tried in the same court upon identical evidence and confronted by the same witnesses. One had enough money to hire a defense attorney, while the other had to be represented by appointed counsel. The former was acquitted on the charge, but the latter was convicted and sentenced to the penitentiary.⁹

For reasons such as these, eight states have now provided for the representation of indigents by a full-time, qualified state officer.¹⁰ Usually the state merely provides that each county may establish the office of public defender whose duty it shall be to act as counsel for the defense of those who cannot afford to hire counsel of their own. In some of the states, however, each county must secure special action by the legislature in order to establish the office of public defender.¹¹

⁸ Earl C. Moore, "Why Not a Public Defender," *Journal of the Bar Association, State of Kansas* (February, 1936), Vol. 4, pp. 224-233. See also W. F. Willoughby, *Principles of Judicial Administration* (The Brookings Institution, Washington, D. C., 1929), p. 578 ff.

⁹ Moore, *op. cit.*, p. 232.

¹⁰ California, Nebraska, Illinois, Minnesota, Connecticut, Tennessee, Virginia, and Oregon.

¹¹ Tennessee is one of these.

In those counties where there are now public defenders, these officials have taken over a large share of all criminal defense. The public defender of Cook County, Illinois, which includes the city of Chicago, reports that over 60 per cent of all criminal cases going before the county courts are now handled by his office.¹² In San Francisco approximately one-half the burden of defending criminals has been assumed by the public defender.¹³

The Coroner

Like the sheriff, the coroner is an ancient officer whose origin dates back to early common law. Originally his office was created by the Norman conquerors of England for the purpose of collecting a tax from every community wherein the dead body of anyone other than a mere Englishman was found. Today his duties are concerned with the investigation on behalf of the state of all deaths due to violence or accident. In some states he also has the right to investigate all sudden deaths due to natural causes.

Where deaths have been the result of criminal or negligent responsibility the coroner may conduct a hearing to determine the specific causes. For this purpose he summons what is known as a "coroner's jury," and may call witnesses as necessary. The evidence and testimony of both lay and medical witnesses can be introduced in this special tribunal. It can usually, however, do no more than transmit its findings or recommendations to some other agency of justice, such as the grand jury or the prosecuting attorney.

More abuse has been heaped upon the office of coroner than upon any other judicial office, probably with much justification. He no longer performs any function that does not have to be performed later by another agency; nor is his jury capable of returning any kind of recommendation that does not have to be completely re-enacted in subsequent proceedings. Essentially the coroner's duties are those of a medical examiner, yet in most states he is an elected political official, often with no medical training whatever. When he conducts an inquest, he is perform-

¹² Moore, *op. cit.*, p. 228.

¹³ *Ibid.*

ing a legal or judicial function, yet he is usually devoid of legal background or education. His office is an anachronism, surviving only to perform functions which have long since been assumed by more modern agencies of the law. Where he was once necessary in order to insure the proper investigation of unnatural deaths, society's protection in this respect has been more adequately secured through other agencies.

For these reasons it is thought that the coroner's office should be abolished as it now exists, and that there should be substituted in its place a medical examiner. Thus the functions of performing and directing the performance of autopsies, which are purely medical functions, would be placed in the hands of a licensed physician. The coroner's inquest would be dispensed with and its functions taken over by police investigators and the prosecuting attorney's office. In the entire state of Massachusetts, in the city of New York, and in the county of Essex, New Jersey, the coroner has been replaced by a medical examiner and the coroner's legal functions have been transferred to the other agencies of justice.¹⁴

The Probation and Parole Officer

When Marco Polo returned from his travels in the far countries, he reported that among the Tartars a man who was found guilty of petty theft was sentenced to seven blows of a stick. More serious offenses merited 17 blows; still others 27, and so on until a maximum of 107 had been reached.¹⁵ American criminal justice has followed essentially the same procedure, the only difference being that in this country, instead of the blows of a stick, years in prison have been used. The same wooden, inflexible, and impersonal approach is present in each. Thus the treatment of criminals in America has been largely a matter of matching crimes with prison punishments, regardless of individual or environmental differences.

¹⁴ Oscar T. Schultz, "A Physician Examines the Coroner," *National Municipal Review* (October, 1936), Vol. XXV, pp. 577-584. See also "Departmental Committee on the Office of Coroner," *Law Times* (February 15, 1936), Vol. 181, p. 124 ff.; "Coroner's Inquests," *Justice of the Peace and Local Government Review* (February 15, 1936), Vol. 100, pp. 100-103; Best, *op. cit.*, pp. 70-74.

¹⁵ Winthrop D. Lane, "The Paroled Offender," *Yearbook of the Probation Association, 1937* (National Probation Association, New York, 1937), pp. 94-95.

The success, however, of the juvenile delinquency movement, wherein offenders are looked upon as individuals and treated according to their personal needs rather than the particular crime they committed, has had a profound effect upon the theory of treating adult criminals. The belief is constantly deepening that there are a great many offenders who can be better controlled and treated outside of prison than behind walls and bars.

According to the Federal Bureau of Investigation, out of some 500,000 arrests each year, only 1.3 per cent are for murder and 2.6 per cent for robbery. The remainder are for less serious crimes, such as vagrancy, embezzlement, dope addiction, thievery, or wife desertion. Some are committed because of economic pressure. Some of the offenders are feeble-minded or neurotic. Others have lived in the squalid environment of the great cities where crime becomes almost their only choice. It is the belief of many that the protection of society against the future malefactions of this great majority of minor offenders can be better secured by *supervising* them in their own communities than in the prison environment. This procedure of detention-at-large is known as "probation" when the offender is placed under supervision in lieu of imprisonment, and "parole" when supervised freedom follows a term of imprisonment.

Theoretically a probation or parole officer should be a social case worker. To him is given the task of treating criminals and supervising their activities so that over a period of time those factors which caused them to err against the law will have become dissolved. To accomplish this it is necessary to employ all the techniques and practices developed by professional social work for rehabilitating maladjusted individuals.

As is true, however, of so many social reforms, a long period of lip service must be paid to the ideal before there is even an approximation of good practice in reality. Thus while it can be said that some thirty-nine states now make provision for either county or state probation officers,¹⁶ in only a few of these jurisdictions are there more than a small handful of probation work-

¹⁶ C. L. Chute, "Ideals and Realities in the Probation Field," *National Probation Administration Year Book, 1938* (National Probation Association, New York, 1938), p. 50.

ers. Moreover, the history of the few probation officers who have been provided is not one of appointment on the basis of professional competence, but rather selection through political favoritism. In spite of the fact that the highest degree of social work technique is required in supervising criminals, probation and parole jobs have been largely filled either by well-intentioned but incompetent misfits, or political appointees.¹⁷ Thus the fact that 30 per cent of all criminal cases brought before the courts are disposed of by placing the accused on probation means only that almost one-third of all convicted criminals are at large without any kind of adequate supervision, treatment, or guidance.

The situation in regard to parole is one of even more retarded development. While the treatment of parolees is essentially the same as that of those on probation and the probation officer is usually charged with responsibility for both, there is a significant difference between the two at one particular point. Those on probation are placed there by judges who have personally tried the individual and in addition have had a full report and recommendations about him from the probation department. This report often includes the results of a complete clinical diagnosis by physicians and psychiatrists, as well as social workers. Parolees, however, receive their release from prison usually at the hands of a parole board which is politically appointed to serve only on a part-time basis,¹⁸ often not more than one day in each month.¹⁹ The time that it can devote to the consideration of each individual case is thus almost negligible. The result is two-fold: either those who do receive parole are chosen on the basis of guesswork as to their eligibility, or only a few prisoners ever are released on parole. The latter situation is probably the more widespread.²⁰

From time to time a great hue and cry with regard to the use of parole has been raised. This has been usually brought on by

¹⁷ Raymond Moley, *Our Criminal Courts* (Minton, Balch & Co., New York, 1930), p. 163.

¹⁸ Francis H. Hiller, "Trends in Adult Probation and Parole," *Year Book of the National Probation Association, 1937* (National Probation Association, New York, 1937), p. 83.

¹⁹ There are a few states which do have full-time parole boards.

²⁰ Hiller, *op. cit.*, pp. 82-87; Frederick A. Moran, "Parole as It Should Be," *National Probation Association Year Book, 1937*, New York, p. 101 ff.

the commission of some spectacular crime by a released convict on parole. Even chiefs of federal bureaus have been found joining in the condemnation of parole procedure, declaring that parolees are responsible for a large share of crime. Those who advocate the extension of parole attempt to answer this charge by pointing to the fact that, contrary to popular conception, less than 1 per cent of all persons arrested are found to have been on parole.²¹ They further emphasize that probation does not mean placing all prisoners under supervision at large. On the other hand, they condemn the present system for letting criminals go at the end of a predetermined, automatic sentence, regardless of their readiness to return to a normal life. Thus they look forward to the day when no prisoner will be released, except on parole to professionally qualified officials. Each one, rather, will be given supervised freedom just as soon as it is demonstrated that such action will hasten his rehabilitation. Some prisoners, of course, can be successfully and safely cared for only within the walls of a prison. However, the great majority of offenders, it is felt, would benefit tremendously from a well-administered parole system—one that is manned by trained and competent officers.

Not all probation and parole departments can be condemned for poor administration. There are local and state jurisdictions in the country which are doing outstanding work in supervising and treating criminals. Moreover, the Prison Industries Reorganization Administration reports that in many states reform in probation and parole administration is going forward at a heartening pace.²² The implication is that within the next decade or two probation and parole will have become, not merely the ideal which they are now, but administrative actualities.

Legal-Aid Clinics

The development of legal-aid clinics in recent years has been in a certain sense an attempt to meet in the field of civil legal

²¹ Sanford Bates, "Next Steps in Crime Control," *Year Book of the National Probation Association*, 1938 (National Probation Association, 1938), p. 11. See also Moran, *op. cit.*, pp. 100-102.

²² Hiller, *op. cit.*, pp. 77-87.

actions the same need which the public defender fulfills in the criminal field. Legal-aid clinics are charitable ventures frequently financed by funds from community chest or other private philanthropies. Lawyers offer their services gratis and report for consultation at appointed hours in much the same way that private physicians donate their time to charitable clinics. People on the indigent and marginal level who cannot afford to hire attorneys bring their legal troubles to the legal-aid clinic. Much of the work handled has a rather direct relation to police administration and delinquency. For instance, the whole problem of juvenile delinquency is very definitely tied in to the economic and social status of the family. It will be found that many of the cases brought to the clinic deal with broken homes, failure to provide, and a great variety of social matters bordering on the field of social pathology. In this respect it may be said that the legal-aid clinic tends to become quite definitely identified with the problem of law enforcement, criminology, and delinquency. Consequently it is believed by some that legal-aid clinics should be made public agencies, thus facilitating a closer co-operation with other official agencies in these fields.

Public legal-aid bureaus, however, are advocated on other grounds as well.²³ It is almost impossible for a private clinic to be self-supporting. The struggle to maintain existence is here an especially difficult one, unless generous philanthropic backing is obtained. Private bureaus tend to restrict, rather than expand, their activities. The result is that they cannot give service to as many people as need would indicate should be served. Where the aim of legal aid is to provide protection of the laws to the poor equally with the well-to-do, this inadequacy becomes important.²⁴

Thus it is suggested that in order to insure proper representation of indigents in the courts, legal aid in civil as well as criminal actions should become a public function. Out of the 100 clinics in the United States today, only three are publicly supported. These are in Philadelphia, St. Louis, and Hartford.²⁵

²³ See Willoughby, *op. cit.*, pp. 589-593.

²⁴ *Ibid.*, pp. 589-593.

²⁵ Charles E. Hughes, Jr., "Meeting the Need for Legal Aid to the Poor," *Journal of the American Judicature Society* (April, 1938), Vol. XXI, pp. 190-193.

In addition, a few *public defenders* have been given authority to represent the poor in civil actions.²⁶

Jails

There are usually three types of prisons in a state. The first is the state prison, or penitentiary, and it is usually overcrowded with those who have been convicted of felonies. Frequently a state will have a reformatory type of prison for youthful and first offenders, as well as detention schools for juvenile offenders. In the second place, there are the city jails maintained by the police department. In addition to a central jail there will usually be a few lock-up cells in each police station. The function of the city jail is two-fold. It is, in the first place, a penal institution for short-term misdemeanants such as drunks and vagrants, who will serve their entire sentence therein. It is, in the second place, a detention home during the preliminary investigation period for those charged with a felony. As soon as a preliminary hearing is held and the accused ordered to stand trial, they are usually transferred immediately to the county jail to await trial.

The third type is the county jail, which usually holds a wide variety of prisoners. In the first place, those who have been convicted of minor misdemeanors in rural territories will often be found there. Secondly, there are those who are awaiting felony trial. In the third place, many state prisons have become so crowded that some short-term felonies are at times served out in the county jail.²⁷ Moreover, some federal prisoners are housed on a fee basis in county jails in those areas which do not have adequate federal prison facilities.²⁸

Local jails in the United States have been traditionally dark, damp, unhealthy, and insanitary. Here the unfortunates of all classes have been herded together in crowded confinement. Usually no attempt is made to segregate the convicted from those awaiting trial, many of whom are innocent. The separation of

²⁶ Willoughby, *op. cit.*, p. 598.

²⁷ See Howard C. Hill, "Population of Average County Jail—What Type Treatment?" *Proceedings, 66th Annual Congress of the American Prison Association, 1936* (American Prison Association, New York, 1936), pp. 257-262.

²⁸ U. S. Bureau of Prisons, *Jail and Prison Schedules* (Government Printing Office, Washington, D. C., 1935), p. II.

men from women has often been only nominal, and cases are known where tickets have been sold to go from one department to another.²⁹ Children have shared cells with hardened criminals. Idleness, complete and disintegrating, has been the lot of all prisoners. And this idleness all too often has had to be endured in the midst of unbelievable filth, disease, and nauseating odors. For the young offender, the jail has been a school, offering instruction in every kind of viciousness and crime. For the seasoned offender it has afforded an opportunity to increase his knowledge of crime and perfect his skills.

There are in the United States some 3,500 of these local jails with an average daily population of over 130,000.³⁰ Their personnel is for the most part utterly untrained and their administration consequently poor, frequently evidencing a high degree of political discoloration.

Penologists, criminologists, and a number of public officials have for some time concerned themselves with the problem of correcting the intolerable conditions of the local jail. Their unanimous conclusion has been that the city jail must be eliminated entirely from the scene of local government. That such abolition cannot be accomplished immediately or even in a short period of time they admit to be true. Riddance of this focus of infection must be gradual, they maintain, but complete. Thus the Jail Committee of the State of New York has proposed that the local jail be abolished and in its place be established a completely unified state system of penal treatment which would include diagnostic institutions to observe and classify the minor offenders, state industrial farms for their detention and care, and institutions equipped to give them vocational training.³¹ The Jail Committee of the American Prison Association has likewise recommended the gradual elimination of the jail as it is now known. They would establish in its place regional institutions controlled by the state, clinics, hospitals, camps, farms, and other corrective insti-

²⁹ "The Jail, What It Is and What to do About It," *Proceedings, 66th Annual Congress of the American Prison Association* (American Prison Association, New York, 1936), p. 268.

³⁰ Arthur W. James, "A Modern Jail Program for the Misdemeanants," *Proceedings, 66th Annual Congress of the American Prison Association* (American Prison Association, New York, 1936), p. 250.

³¹ James, *op. cit.*, p. 251.

tutions wherein offenders could be not only detained, but examined, assisted, and returned to a normal life.³²

JAIL STANDARDS. The United States Bureau of Prisons has recently prepared a schedule or rating form for appraising the adequacy of American jails. The hope has been that such a form would stimulate immediate considerations of the jail condition in local areas throughout the country. In the schedule itself, provision is made for the appraising of the jail upon the following bases: (1) its legal background including its relation to the sheriff, and state control; (2) its buildings and equipment, including adequacy of housing and construction, laundry, grounds, and inmate clothing; (3) personnel, including civil service status, salaries, turnover, training, and efficiency; (4) prisoners, especially in regard to segregation of the various classes of inmates; (5) practices of discipline and the granting of privileges; (6) health, sanitation, and food standards; (7) employment of inmates at useful tasks and industries; (8) education and recreational standards; (9) provisions for religion, and (10) pardon and parole practices.³³

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CHAPTER XII

TRAFFIC

"Automobiles in fifteen years have killed 50 per cent more Americans than have all our country's wars since the Declaration of Independence."¹ The annual death rate due to automobile accidents is approximately 32,000. What do we know about the cause and cure of these accidents? In spite of the fact that the problem is still very largely unsolved, it would seem that certain significant generalizations can be made. In the first place, there is little question but that speed too fast for existing conditions is an important factor in traffic accidents.² A second consideration is very closely related to the first, namely, that the fatal accident rate is much higher in rural areas than in urban centers. One is very much safer driving in congested metropolitan traffic than upon the country highway.³ Thirdly, it is well settled that the chances of being involved in a fatal accident are several times greater at night than in the daytime.⁴ Studies have demonstrated that the improved illumination of boulevard or intersection has noticeably lowered the accident rate.⁵ In any event, the traffic situation is one of the most pressing problems of municipal administration.

¹ Dr. Chester T. Brown, Medical Director, The Prudential Insurance Company of America, "Mortality Trends and Health Triumphs," *Proceedings of the Twenty-Ninth Annual Convention of the Association of Life Insurance Presidents*. (New York, 1935), p. 78.

² Committee on Speed and Accidents, *Report of Special Study on Speed Zoning, 1938* (National Safety Council, Chicago, 1938), 47 pp.

³ *California Motor Vehicle Statistics* (California Highway Patrol, May 15, 1934), mimeo., unpagged; National Conference on Street and Highway Safety, *Guides to Traffic Safety* (Washington, D. C., 1934), 48 pp.

⁴ Travelers Insurance Co., *Thou Shalt Not Kill!* (Hartford, 1935), p. 47.

⁵ R. E. Simpson, "46 Per Cent Fewer Accidents on Hartford's Relighted Streets," *The American City* (October, 1938), Vol. 53, pp. 55-56; L. A. S. Wood, "Modern Street Lighting Reduces Accidents," *The American City* (October, 1938), Vol. 53, p. 126; "Fewer Night Accidents in Syracuse, N. Y.," *The American City* (November, 1938), Vol. 53, p. 135; "Street Relighting Pays," *The American City* (October, 1938), p. 7; Ellsworth Francisco, "Where is Rural Highway Lighting Necessary for Safety?" *Transactions 25th National Safety Congress*, Part II (National Safety Council, 1936), pp. 18-22.

Organization for Traffic Control

Enforcement, Engineering and Education are commonly referred to as the three "E's" of traffic. An adequate traffic control program must provide for an equitable balance among this trio. This means that the control and regulation of traffic cannot be confined to any single administrative agency of the city. The third "E," Education, must command the interest and participation of the whole gamut of municipal activities. The public schools have a tremendous responsibility in making the children

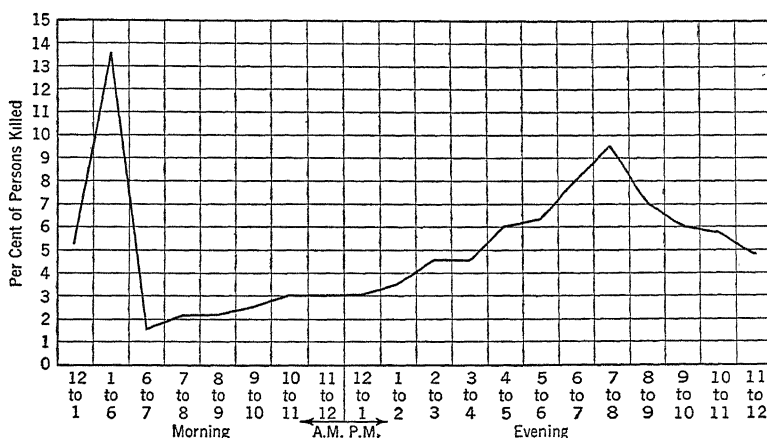


Figure 23. Hours of Occurrence of Fatal Accidents and Persons Killed in 1938
(From *Lest We Regret*, Travelers Insurance Co., Hartford, 1939, p. 22.)

safety-conscious, and they are now responding to this challenge in an admirable manner.

It seems that there is a trend in safety education toward the training of the individual. Such training must be based on the long view objective and should encompass the following:

1. Emphasis must be placed on the training of the individual so he may have not only the mechanical skill and the intellectual knowledge, but right emotional attitude as well.
2. Education for traffic safety must be regarded as a true learning process. The implication that is intended here is that

the learner must be interested and eager; *compulsion* must give way to *impulsion*.

3. The learning process must be continuous, wide in its application, and sustained by an active public opinion.⁶

Traffic engineering includes the design, installation, proper timing, and maintenance of traffic signals and signal systems. The traffic engineer is concerned with the design and plan for traffic signals and markings. He analyzes accident records and devises remedial measures. He co-operates with highway officials in the design of traffic circles, wider intersections, curb cut-backs, and traffic islands of various types. He studies the flow of traffic and makes recommendations relative to the structures and alterations needed to improve this flow.⁷

It is beyond question that the traffic engineer should co-operate whole-heartedly with the traffic-enforcement officer, the highway engineer, and all others who are concerned with the flow of traffic. However, controversy often arises relative to the proper location of the traffic engineering department in the administrative hierarchy. The police tend to feel that this activity should be lodged in the traffic division of the police department. The highway and street engineering departments, on the other hand, would like to see it located in the engineering bureau. There are others who say that traffic engineering should be an independent agency subject to neither the police nor the regular municipal engineering unit.

Traffic-accident records constitute the basis of most of the traffic engineer's study. Since they are compiled by the police department, a traffic engineer in that agency is better situated with reference to seeing that they are adequate for his purpose and readily obtainable. Some traffic engineers whose offices are in engineering departments believe that the chief disadvantage of being so situated is the difficulty they encounter in obtaining adequate accident records. On the other hand, traffic engineers who are located in the police department sometimes have

⁶ William C. Knoelk, "The Forty Thousand," *Transactions of the Silver Jubilee Safety Congress, 1938* (National Safety Council, 1938), Part I, p. 27.

⁷ National Conference on Street and Highway Safety, *op. cit.*, pp. 30-31.

difficulty in securing co-operation from the engineering department.

The effectiveness of traffic signals, signs, and markings in accident reduction is dependent upon driver obedience. Their help in eliminating congestion depends upon their design, erection, operation, and maintenance. The former is an enforcement function which requires the services of the police. The latter is an operating function requiring the application of engineering calculations. There is no inherent reason why a traffic engineer who has complete supervision over the design, operation, and

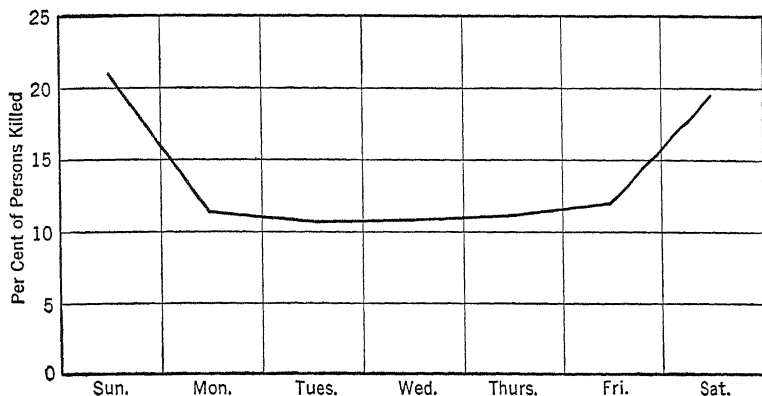


Figure 24. Days of Occurrence of Fatal Accidents in 1938 ("It's a great life if you don't weekend.")

(From *Lest We Regret*, Travelers Insurance Co., Hartford, 1939, p. 22.)

erection of this equipment could not function very well in the police, engineering, or a department of his own. Whatever the organizational set-up, however, if permanent traffic improvements are to be effected, some arrangement must be made whereby traffic engineering and the engineering department may be closely affiliated.⁸

TRAFFIC-ENFORCEMENT OFFICERS. Traffic-enforcement officers are practically always located in a traffic division of the police department. The result is that they are under police

⁸ Robert A. Mitchell, "Police or Engineering Department?" *The American City* (November, 1938), Vol. 53, p. 56.

control and are regarded by the public as policemen. While this situation is commonly accepted as orthodox, it is interesting to note that it is being questioned in some quarters. Those who suggest change claim that the customary training of policemen makes them, to a large extent, unfit as traffic officers. In the first place, traffic violators are not criminals in the same sense that burglars and pickpockets are criminals. Traffic violators are very frequently from the most respectable classes in the community. The enforcement of traffic regulations can only be as strict and rigid as the community will permit, and this means the good people of the community, as well as those not so reputable. The critics of police regulation of traffic claim that police are trained to regard suspects and violators as being anti-social. Criminals regard policemen as being their natural enemies, and this in return creates on the part of the policemen an instinctive defense attitude against law violators.

Leaders of one school of traffic enforcement would abolish this psychological relationship between the traffic-enforcement officer and the traffic violator. They would dress the traffic enforcement officer in a uniform different from that of the regular police, would take his gun and weapons away from him, and divest him of all of the customary outward aspects of a police officer. They would aim to create in the traffic enforcement unit a spirit of mutual respect, good will, and camaraderie between the officers and the motoring public. Whether justly or not, the traffic officer is probably the recipient of more criticism and abuse on the part of the general public than any other public servant. This is due to the fact that he is called upon to stop and issue warnings and citations to persons without "criminal" intent.

Almost without exception every person stopped for traffic violation proclaims his innocent intent to the officer and regards the officer's interference as a personal affront. In a considerable number of these cases there arises, upon the initiative of the officer, the offender, or both, a verbal altercation, sometimes culminating in abusive language. While a considerable amount of this can undoubtedly be attributed to the officer's lack of training, competence, and self-control, probably an equal proportion is due to the citizen's own provocation. The advocates of a traffic en-

forcement unit separated from the police department state that this very difficult matter of the relationship of the officer to the public could be more adequately dealt with by a unit trained specifically for this purpose and free from the alleged psychological liabilities of regular policemen.⁹ The relative advantages and disadvantages of this arrangement should be carefully considered by those who have accepted without question the orthodox police department traffic division.

THE TRAFFIC COURT. There should be either a specialized traffic court or a traffic division of the regular court. In recent years there has been a fairly widespread establishment of Violations Bureaus in conjunction with and sometimes as an integral part of the traffic court. The function of this bureau is to offer an opportunity for offenders charged with minor violations to pay their fines and charges without going before open court.¹⁰ They simply present their copy of the citation given by the officer; the clerk at the window determines the amount of the fine for the act designated; the accused pays that amount and is given a receipt therefor. This does not mean that all persons accused of traffic violations are required to appear at the Traffic Violations Bureau, for anyone demanding a court hearing is entitled to have it under our American concept of due process of law. However, the establishment of the Violations Bureau has resulted in the direct payment of fines by a large percentage of traffic violators, and has thus relieved the congestion of the traffic court.¹¹

TICKET FIXING. One of the most prevalent evils in traffic enforcement has been "ticket fixing." Under this system the violator uses personal influence to have his citation ignored or quashed without the necessity of a hearing in court. There are various avenues of approach, one of which would be to go directly

⁹ Leonard V. Harrison, *Police Administration in Boston* (Harvard University Press, Cambridge, 1934), pp. 55-56.

¹⁰ National Safety Council, *Traffic Courts and Violations Bureaus* (Chicago, 1929), 37 pp.

¹¹ National Safety Council, *Enforcement for Traffic Safety* (Chicago, 1938), pp. 40-42.

In 1938 there were 111,251 citations issued in Los Angeles for traffic violations other than felonies. Of this number 52,875 cases were disposed of by the Traffic Violations Bureau.

to the judge or officers of the court. In some cases the citation can be fixed by the mayor, the chief of police, or other superior police officers. Where this evil is practiced extensively, it has a demoralizing effect upon the activities of the officers who issue the citations.

The practice of ticket fixing has undoubtedly been reduced in recent years, probably due to more effective traffic enforcement arising from popular indignation occasioned by the rising death rate from automobiles.¹² Another reason is the general tightening up of municipal administration as a whole, for there are administrative devices which will make the practice of ticket-fixing difficult. One of the most effective procedures employed to overcome this undesirable practice is to require that copies of each citation issued by the officer be forwarded to the comptroller or accounting officer of the city. Each officer is charged with the serial numbers of all citation forms issued to him and is required to account for them. The auditors of the comptroller's office periodically audit the citations of the ticket books to ascertain what tickets have been issued and compare them with the copies of the same citation on file in the office of the clerk of the court and in the comptroller's office. The result is that no citation issued by an officer is disposed of except by order of the court which makes it a matter of public record. The police department is accountable to the city's financial officers for all citations, and the municipal court is unable to make dispositions except upon a judgment of the court.¹³

"GETTING THEM INTO COURT." Another of the principal problems in traffic enforcement is getting those who have received citations to appear in court to answer them. The traffic court docket is usually very crowded. Traffic enforcement officers are woefully inadequate in number compared to the problem involved. Both the court and the officers are so overwhelmed with the new situations occurring every moment that adequate follow-up of traffic violators is frequently impossible. The result

¹² *Ibid.*, pp. 36-37.

¹³ Miller McClintock and Sidney J. Williams, *Municipal Organisation for Street Traffic Control* (Municipal Administration Service, New York, 1930), pp. 25-27; National Conference on Street and Highway Safety, *op. cit.*, p. 42.

is that one frequently finds violators ignoring citations left on their cars, problem violators going for months with a dozen or score of citations to which they have not responded. Some courts have decided that this method of serving citations, although widely used and seldom contested, is invalid, and that service must be made upon the offender personally. It seems that a solution to this situation would be to have legally effective legislation which would permit the serving of a citation for a parking violation by leaving the ticket on the offending car. This would provide a means for the prosecuting officials and the court to co-operate with the police in controlling this perplexing problem.

SECURING A CONVICTION. Popular opinion has usually reacted against the use of subtle and surreptitious methods of securing evidence on traffic violations. The motoring public has always frowned upon the practice whereby traffic officers hide out and spy upon unsuspecting drivers. Revulsion against this practice has gone so far in California as to require officers to wear distinctive uniforms and to operate in vehicles that are plainly marked and readily identifiable as belonging to the police.

The tendency today is to concentrate upon the types of violations which are known to cause accidents. This has led to an intensive investigation of accidents directly at the scene. It has been found that if convictions are to be obtained, the police must come into court with their cases prepared in such a manner that their evidence is absolutely convincing. The most recent development along this line has been the establishment of accident investigation squads. These consist of specially trained officers who either stay on call at the station or cruise in specified areas. They are prepared to do those things which are necessary to obtain evidence at the scene of an accident. Arriving at an accident, they will skillfully question onlookers, get the names of witnesses, and record the story as related to them. They will take photographs of the scene of the accident from various angles, survey and sketch the area with exact measurements of pertinent distances. They will make sketches and take impressions and photograph the skid marks of the tires. The result will be that when

they are ready to go into court, all of the evidence is prepared and presented in the most convincing manner possible.¹⁴

THE DRUNKEN DRIVER. Also among the most difficult problems in traffic enforcement has been that of dealing with the drunken driver. During the later days of the Prohibition era, when popular discontent began to accumulate, drunken drivers frequently demanded jury trials. The growing toleration of the use of alcoholic drinks caused juries to require proof of drunkenness beyond all doubt. The testimony of police officers as to status of drunkenness came to be discounted both by juries and the court itself. It was impossible to get the violator to the police surgeon in time to obtain the proper evidence. The shock of the accident and the fact of arrest would sober the accused person enough so that the physician of ten years ago would not see fit to testify as to drunkenness. Furthermore, as is true today, police surgeons in many parts of the country were only part-time on city payrolls. The result is that they were not anxious to be called to give testimony in court. Even though such testimony may be given on city time, police surgeons were usually so overworked that attendance at court would seriously interfere with the regular conduct of their duties. The result was that the physicians would refuse to certify to drunkenness except in cases where the evidence was overwhelmingly manifest.

During the post-Prohibition era, the drunken driver problem became so aggravated that enforcement officers had to find some means to combat it. The result has been the development of several techniques and devices to be used as evidence of drunkenness. In the older days a familiar device was having the accused person walk a white line, but this is no longer given much credence, because it has been found that drunken persons have been able to walk such a line in an acceptable manner. Among the newer tests developed are the determination of the alcoholic

¹⁴ Letter from the Secretary of Agriculture, House Document No. 462, Part 2, 75th Congress, 3d Session, *Skilled Investigation at the Scene of the Accident Needed to Develop Causes* (Government Printing Office, Washington, D. C., 1938), 32 pp.; Unsigned, "Fatal Traffic Accidents Cut 34 Per Cent in Cities With Accident-Prevention Bureaus," *The American City* (October, 1938), Vol. 53, p. 101; International Association of Chiefs of Police and Northwestern University Traffic Safety Institute, *Accident Prevention Bureaus in Municipal Police Departments* (Evanston, Illinois, 1937), 48 pp.

content in the urine, the "Reactometer" test, wherein the driver is required to operate a brake when a red light flashes, a card-sorting test, a typewriting test, and a hand-eye co-ordination test demanding the insertion of a stylus into a graduated series of holes without touching the sides. In Michigan and Utah persons charged with drunken driving have been photographed by a movie camera when taken into custody. Experience proved that an overwhelming proportion pleaded guilty on seeing their photographs. Another scientific device which is used is one that tests the breath in order to determine the presence of alcohol.¹⁵

Preventive Control Measures

THE ACCIDENT-PRONE DRIVER. Recent studies indicate beyond much doubt that a small group of accident-prone drivers is responsible for a large percentage of the accidents. One comprehensive study covering a period of six years showed that approximately 4 per cent of the drivers accounted for over one-third of the accidents of all types. The same study showed that younger drivers were responsible for an undue proportion of accidents, running from 124 per cent to 210 per cent of what might be expected without regard to age.¹⁶ The result is that enforcement and control of traffic is giving increasing attention to those operators who are accident repeaters. There is developing a case history technique similar to the case method in social work. This consists of maintaining and studying the case histories of these accident-prone drivers, both for the purpose of treating the individual case and for arriving at proper principles of action in dealing with the problems of all.

¹⁵ O. W. Wilson, "Police Administration," *The Municipal Year Book, 1935* (The International City Managers' Association, Chicago, 1935), Vol. II, pp. 75, 79; Unsigned, "Alcohol and Accidents," *Public Safety* (November, 1935), Vol. IX, pp. 18-19; Robbins E. Stoeckel, "Drink . . . and Traffic Accidents," *Public Safety* (April, 1935), Vol. IX, pp. 19, 38; Traffic Safety Bureau, Los Angeles Police Department, "How We Test Drunk Drivers," *Traffic Safety* (September, 1938), Vol. I, p. 24; National Safety Council, Street and Highway Traffic Section, *Tests for Driver Intoxication* (Chicago, 1937), 32 pp.; Unsigned, "75 Cities Adopt Uniform Methods of Determining Drunkenness," *The American City* (October, 1938), Vol. 53, p. 103; Richard L. Holcomb, *Alcohol in Relation to Traffic Accidents* (American Medical Association, Chicago, 1938), 32 pp.

¹⁶ Letter from the Secretary of Agriculture, House Document No. 462, Part 6, 75th Congress, 3d Session, *The Accident-Prone Driver* (Government Printing Office, Washington, D. C., 1938), pp. 14, 15.

LICENSING OPERATORS. The licensing of automobile operators is becoming universal. Forty-four states and the District of Columbia require the operator of a motor vehicle to have a license.¹⁷ The advisability of requiring an operator's license is easy to prove statistically. Figures exist which show definitely that those states known as the "standard licensing states" have an average accident rate 30 per cent lower than those of the rest of the country. Factual data also show that states which have adopted an operator's license law have reduced their accident rate 30 per cent below what it was before the law was enacted.¹⁸

The Harvard Traffic Bureau has developed a series of driver tests which are administered in so-called "driver clinics." Their dual purpose is to further research and education. The first of the battery, known as the Standard Vigilance Test, aims to discover speed of reaction, manipulative ability, and vigilance. The driver sits at a wheel which simulates actual driving conditions. On a screen in front of him is an illumined roadway which changes directions and conditions continuously. The results of the testee's manipulation of the brakes and accelerator are automatically recorded on clocks. This is followed by a steering test. The speed test consists of judging when two miniature cars will pass; a glare test simulates identification of objects under night driving conditions. Then comes a miniature highway driving test, during which the subject handles the controls of an automobile under conditions resembling actual driving. Other tests for automobile operators measure peripheral vision, or seeing out of the corners of one's eyes; hearing; color-blindness; and general vision.¹⁹

The test results of a group of accident repeaters were compared with those of unselected volunteers, with the result that the former proved deficient in the tested activities. It was indicated that speed of reaction and accuracy of co-ordination began to decline between 30 and 35 years of age. Required driving skills

¹⁷ *Summary of Motor Vehicle Acts, 1939*. Compiled by Automobile Club of Southern California, Los Angeles, 1938, 275 pp.

¹⁸ National Conference on Street and Highway Safety, *Uniform Traffic Laws* (Washington, 1937), pp. 18-25; National Conference on Street and Highway Safety, *op. cit.*, pp. 9-10.

¹⁹ Harry R. DeSilva and Theodore W. Forbes, *Driver Testing Results* (Harvard Traffic Bureau, 1937), mimeo., pp. 5-13.

vary from city to city because of difference in congestion and street layouts. Commercial drivers tested somewhat above average and were outstandingly better in eye-hand co-ordination and vigilance tests. In general, women drivers were shown to be poorer than men in tests involving muscular response and accuracy, whereas sex differences did not appear as to glare vision or visual efficiency.²⁰

The value of this clinical approach is in the retraining of drivers. It was shown that a group of repeaters subjected to clinical analysis and warned of individual deficiencies reduced accidents 90 per cent in six months.²¹ Proneness to accidents was found to be due to a wide variety of causes. A driver weak in one respect compensated by being strong in others. In spite of showing more favorable reaction time, younger drivers had higher accident records, probably traceable to immature judgment and attitude. A significant fact was that those who had been taught to drive made no better showing than those who had not received instruction. This is taken to be an indictment of the type of driver training existing in the past and an invaluable argument in favor of the diagnostic approach which has just been described.

TRAFFIC SAFETY CAMPAIGNS. There is some question as to the effectiveness of spasmodic traffic-enforcement campaigns. There seems to be a limit beyond which an intensive enforcement drive will not be effective. In some communities there appears to be a cycle somewhat as follows. The authorities will go along not paying any extraordinary attention to traffic enforcement, when suddenly a particularly bad accident or series of accidents will occur. Popular indignation will be aroused, with the result that the authorities are goaded into a period of stringency. Soon the Traffic Violations Bureau and the traffic court will find long lines of offenders waiting with citations. This will continue for a while, during which the public, enforcement officers, and the courts will become nervous, touchy, and "on edge." After a while, however, the emphasis will die down, and enforcement

²⁰ *Ibid.*, pp. 14-35; The Commonwealth Club of California, *Who Should Drive?* (San Francisco, 1935), 53 pp.

²¹ DeSilva and Forbes, *op. cit.*, p. 49.

activities will go back to normal. Some officials maintain that this type of enforcement is ineffective, and a few will even go so far as to say that it will cause increased accidents.

There is probably a point at which increased enforcement activity will bring decreasing returns, and possibly negative returns. In communities where that point has never been reached, stricter enforcement will be in order. There is no mathematical means of ascertaining just where this point begins, and it is undoubtedly different in the various communities. Such nationwide statistics as are available tend to show that increased enforcement decreases the accident rate, and that decreased enforcement increases the accident rate. The ideal to be striven for is undoubtedly a fairly high level of consistent enforcement rather than the conduct of spasmodic campaigns interspersed with long periods of comparative laxity.²²

TRAFFIC-ENFORCEMENT INDEX. An important part of the program of an Accident Prevention Bureau is the monthly computation of the traffic-enforcement index of the city. This enables the police to determine the adequacy of their enforcement work. This index is the result of dividing the number of convictions for moving violations obtained in any given period by the number of personal injury accidents occurring in the same period. For example, if during one month there were 250 traffic convictions involving violations in which motion was a factor and fifty personal injury accidents, the enforcement index is five. This is considered a fair index. Such an index figure indicates that there were five times as many convictions for moving violations as personal injury accidents.

The results of a study of sixty-five cities carried on over a period of several years showed that as the index increases accidents decrease until an index of twelve is reached. It seems that the law-enforcement agency is not adequately handling the traffic situation until it is securing about twelve times as many convictions for moving violations as there are personal injury accidents. The traffic-enforcement index should be maintained at approximately twelve, but additional activities in the fields of

²² National Conference on Street and Highway Safety, *op. cit.*, p. 39.

engineering and education should be carried on with a view to still further reduction of the number of traffic accidents throughout the country.²³

NATIONAL TRAFFIC SAFETY CONTEST. Each year the United States Chamber of Commerce conducts an Inter-Chamber Traffic Safety contest. The various chambers of commerce are requested to enter their communities. Forms are furnished by the Chamber in Washington and filled out locally. The awards are made by a national committee on the basis of the following points: accident record, death rate and reduction in death rate, accident reporting, traffic planning, traffic law enforcement, child safety, and public education. The awards are tendered at meetings in the cities chosen. They are accompanied by a great deal of publicity, both nationally and locally. The following cities have received the grand prize awards in recent years: Providence, Rhode Island, 1938; Memphis, Tennessee, 1937; New York City, 1936; and Evanston, Illinois, 1935.²⁴

MODEL LAWS. In 1924 Secretary of Commerce Herbert Hoover called the first national conference on street and highway safety. The conference consisted of highway and police authorities, educators, representatives of the automobile insurance industry, construction engineers, city planners, labor leaders, and chamber of commerce officials. In all, four of these conferences have been held, the last one in May, 1934. One of the principal results has been what is known as a Uniform Vehicle Code, consisting of four separate proposed bills for enactment, a model municipal traffic ordinance, and a manual of uniform traffic control devices. These model laws constitute a statement of the most up-to-date thought on traffic matters drafted for enactment into law. These have had very great influence upon

²³ International Association of Chiefs of Police and Northwestern University Traffic Safety Institute, *op. cit.*, pp. 25-26; Public Administration Service, *Survey of the Police Department of Greenwich, Connecticut* (Public Administration Service, Chicago, 1937), p. 30.

²⁴ Sidney J. Williams, "Getting Results in Traffic Safety," *Public Management* (July, 1934), Vol. XVI, pp. 201-203; Unsigned, "How the Safety Contest Winners Did It," *The American City* (May, 1938), Vol. 53, p. 97; The International City Managers' Association, *The Municipal Year Book, 1939* (Chicago, 1939), pp. 169-171; Unsigned, "Safest Traffic Cities in the Country," *The American City* (May, 1939), Vol. 54, p. 97.

legislation in the states, and some of the provisions have been enacted practically verbatim.²⁵

OFFICIAL INSPECTION OF VEHICLES. The Uniform Vehicle Code recommended by the National Conference on Street and Highway Safety in 1934 suggested that the state law provide for state-wide inspection of all vehicles at least once a year. All resident owners of motor vehicles would be required to submit their vehicles for inspection and obtain for each an official stamp of approval issued by an official inspection station. In 1938 fifteen states had such mandatory laws requiring state-wide inspection.²⁶

SIGNALS. The proper spacing and location of automatic traffic signals is a difficult and controversial problem. There is strong feeling among a group of police and public engineering officials that altogether too many signals have been located in such a manner as to constitute useless nuisances. Several factors contribute toward this end. There is the omnipresent signal salesman who preys upon the pride and fear of local officials; merchants at suburban business corners desire to lend a metropolitan air to their location by the erection of traffic signals; sincere and well-meaning citizens clamor for the installation of signals at intersections constituting the scene of a particularly unfortunate accident; city councilmen are said to distribute signals equally among the wards, irrespective of traffic needs.

Studies made by responsible traffic and highway officials tend to indicate that the installation of automatic signals should be preceded by a careful and scientific survey of the intersection and its needs. A study of six hundred crossings in twenty-four cities indicates that while the installation of signals decreased accidents in over half of the cases, the result in one-third of the instances was an actual increase in accidents.²⁷ There is no longer any need for haphazard installation of signals, for this is one

²⁵ National Conference on Street and Highway Safety, *op. cit.*, pp. 14-16.

²⁶ Letter from the Secretary of Agriculture, House Document No. 462, Part 4, 75th Congress, 3d Session, *Official Inspection of Vehicles* (Government Printing Office, Washington, D. C., 1938); Ralph H. Sprungman, "Motor Vehicle Inspection in Minneapolis," *Minnesota Municipalities* (December, 1938), Vol. 23, pp. 420-427.

²⁷ Arnold H. Vey, Traffic Engineer, Department of Motor Vehicles, State of New Jersey, *Effect of Signalization on Motor Vehicle Accident Experience* (1932), mimeo., 12 pp.; Dwight McCracken, *Traffic Regulation in Small Cities* (Municipal Administration Service, Pub. No. 26, New York, 1932), pp. 6, 11-12.

field of public administration in which definite standards have been developed as a result of co-operation between the Federal Government and highway officials. Citizens who question the propriety or manner of installation of signals in their community should ascertain to what extent these standards have been consulted and applied.²⁸

Parking

The downtown business district of practically all American cities is seriously congested with motor vehicle traffic. One of the most difficult problems is that of dealing with standing or parked vehicles. The business men of the business districts quite justifiably look askance upon any restriction which may deter customers from entering the retail sections. The result has been an almost universal tendency upon the part of retailers to oppose restriction or abolition of curb parking. However, when factual studies are made, they usually demonstrate that no considerable volume of retail business comes from the all-day parkers in front of these retail establishments. The abolition of all-day curb parking in the business districts apparently has no adverse effect upon the business of the stores located there.²⁹

There are three types of parking: first, a brief stop for loading and unloading; second, short-time parking, averaging thirty minutes in the United States; third, long-time demand exercised by people who are usually in business.³⁰ The first type of parking is very aggravating, especially in cities without alleys and in the old cities of the East with narrow streets. For instance, the east and west streets in New York City are extremely congested with the loading and unloading of commercial vehicles at most hours of the day. This situation is somewhat relieved in Chicago by an

²⁸ Unsigned, "Traffic Signals Speed Clearance," *The American City* (October, 1938), Vol. 53, p. 15; Letter from the Secretary of Agriculture, House Document No. 462, Part I, 75th Congress, 3d Session, *Nonuniformity of State Motor-Vehicle Traffic Laws* (Government Printing Office, Washington, D. C., 1938), p. 7; American Association of State Highway Officials and National Conference on Street and Highway Safety, *Manual on Uniform Traffic Control Devices for Streets and Highways* (Washington, D. C., November, 1935), 166 pp.

²⁹ Orin F. Nolting and Paul Oppermann, *The Parking Problem in Central Business Districts* (Public Administration Service, Chicago, 1938), pp. 20-23.

³⁰ Miller McClintock, *The Better Use of the City Street With Special Reference to Parking On and Off the Street* (Planning Foundation of America, New York, 1930), p. 7.

underground freight subway making deliveries directly to the basement of commercial establishments.³¹ The designers of the cities of the future would make for a great deal of comfort and convenience by inventing some sort of urban design and layout which would remove commercial loading and unloading from the streets.

Most of the friction over the enforcement of parking regulations has come by virtue of the fact that the third type of parker has pre-empted the spaces to the exclusion of the second. The all-day parker frequently locates himself in such a manner that there is no room for the brief in-and-out driver. This is one of the things that the merchants who object to parking regulation tend to overlook. Frequently it requires concrete evidence that parking spaces are being monopolized by their own employees to convert them to the necessity of adequate regulation. The problem is not solved, of course, by keeping the all-day parker off the streets. Some place must be provided for storing his car and thus making it convenient for him to come into the central business district. This problem has been temporarily solved in some cities by the demolition of sub-marginal buildings. It has been more profitable to use the space for parking lots than to rent the structures which were once on them. Those prone to look ahead a decade or so might very well question what is going to happen if and when these lots again become profitable for building purposes.

There are those who advocate the destruction of entire city blocks to make way for huge parking structures. A practical accomplishment in this respect is the open multiple-deck structure of the Hecht Department Store in Washington, D. C. On the other side of the nation, the Automobile Club of Southern California has recommended entering the central business district through elevated highways with terminals in huge towers.

A significant recent development is the establishment of city-owned and operated off-street parking lots. As pointed out by the Flint City Planning Board, "Parking is too important a part of merchandising and of the convenience and pleasure of shop-

³¹ Chicago Tunnel Terminal Corporation, *What the Freight Tunnels Mean to Chicago* (Chicago, 1928), 32 pp.

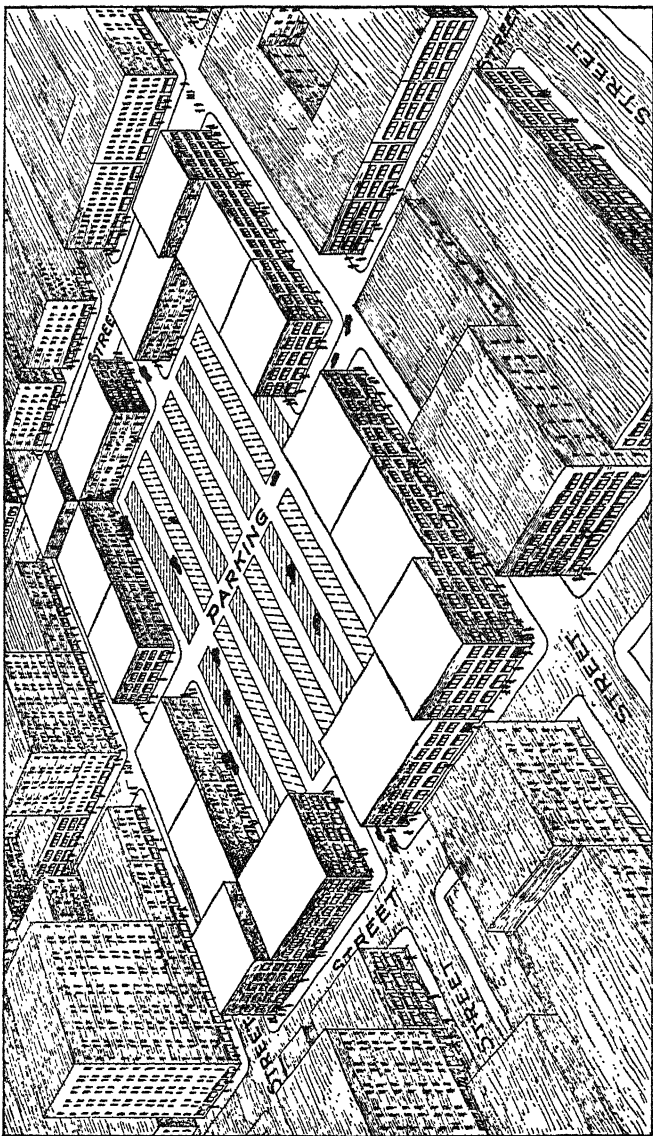


Figure 25. Off-Street Parking Plan Proposed for Milwaukee

A checkerboard street plan is proposed in Milwaukee, with each four blocks contributing toward a central parking area, as pictured above. It is suggested that each parking center be connected with an artery in a manner that will induce private investors to improve surrounding buildings, and that the capacity of buildings be restricted so as to balance the need for auto space by those who frequent the buildings surrounding each parking area.

(From Orin F. Notting and Paul Oppermann, *The Parking Problem in Central Business Districts*, Public Administration Service, Chicago, 1938, p. 7, with the permission of the Board of Public Land Commissioners of the City of Milwaukee.)

ping or recreation in the downtown center to be left to chance, and therefore certain areas around the business center should be set aside permanently for public parking.”³² Cities in over fifteen states now operate such parking facilities without charge, while at Chicago’s large Grant Park lot a fee of twenty-five cents for twenty-four hours is charged.

In most of the large cities of the nation the central business district is deteriorating, and quality retail establishments are tending to go to the suburbs. This is directly related to the difficulty and inconvenience of getting into the central business district because of traffic and parking difficulties. These traffic difficulties constitute one of the most serious problems facing our cities today.³³

PARKING METERS. One of the most effective devices in dealing with the all-day parker has been the parking meter. This is a mechanical device on a post in front of a parking space. When the motorist places a nickel in the slot provided, an indicator begins to measure off a prescribed amount of time. Officers patrol the meters and give the appropriate warnings and citations to those who have overstayed the allotted time. Parking meters are said to curb the parking hog and facilitate the circulation of shoppers in the retail and office district. They also provide a source of revenue which permits hiring a sufficient number of officers to enforce the parking regulations.³⁴ As a matter of fact, traffic meters are highly profitable from a fiscal standpoint.³⁵ The companies which sell them have as a principal sales argument the fact that the nickels collected will pay for them in a few months. In the beginning there was a great deal of controversy as to the legality of parking meters, and the early court decisions were very much concerned with whether or not revenues in excess of the cost of regulation could be collected.

³² Unsigned, “Parking Lots Owned and Operated by Cities,” *Public Management* (July, 1938), Vol. XX, p. 207.

³³ Miller McClintock and others, *Parking and Garage Problem of Central Business District of Washington, D. C.* (Automobile Parking Committee of Washington, 1930), 81 pp.; Automobile Club of Southern California, *Traffic Survey Los Angeles Metropolitan Area 1937* (Los Angeles, 1938), 52 pp.

³⁴ T. H. Hackney, “85 Cities Operate Parking Meters,” *The American City* (November, 1938), Vol. 53, p. 7; Unsigned, “Minneapolis Business Men Want Parking Meters,” *The American City* (October, 1938), Vol. 53, p. 7.

³⁵ Orin F. Nolting and Paul Oppermann, *op. cit.*, pp. 23-24.

The legality of this regulation device is now practically unquestioned, and the meters are proving to be welcome sources of revenue.³⁶

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CHAPTER XIII

FIRE AND STRUCTURAL SAFETY

American cities are extremely inflammable as compared to the municipalities of the old world. This is largely due to the fact that wood and other flammable materials are used more extensively for construction purposes in this country. However, American fire losses have been reduced almost 50 per cent since 1920.¹

The prevention and fighting of fire is a municipal activity which requires the co-operation of several municipal departments. For instance, rating scales place an adequate water supply ahead of the fire department itself.² Other municipal units participating in response to a fire alarm are the fire alarm and signal system itself, the police department, and the electric and gas utilities. When the fire alarm is sounded the fire department responds within two minutes. Instantaneously a signal is transmitted to the water pumping station, and water pressure consistent with the alarm is applied. The police are at the fire as soon as the firemen, for the purpose of policing crowds, controlling traffic, and maintaining general law and order. Whether municipally or privately owned, the gas and electric utilities maintain vehicles and crews constantly on duty to answer fire alarms. These crews cut wires, cables, and conduits and relocate them for the purpose of maintaining service and preventing the spread of fire. A municipal department even more intimately concerned with fire prevention is the unit charged with enforcement of the building code and ordinances. This will be treated in greater detail later in this chapter.

¹ Unsigned, "The 1937 Fire Loss," *Quarterly of the National Fire Protection Association* (July, 1938), Vol. 32, p. 12 ff.

² National Board of Fire Underwriters, *Standard Schedule for Grading Cities and Towns of the United States with Reference to Their Fire Defenses and Physical Conditions* (The Board, New York, 1930), pp. 1, 11 ff.

Organization of a Fire Department

There was a time when American cities headed their fire departments with a fire commission. This was at the same time that police commissions were prevalent. However, the same considerations which were responsible for the demise of police commissions have led to the replacement of fire commissions by a single head. There is probably no branch of the municipal administration which is more technical in its nature than fire fighting and fire prevention. Furthermore, the fire insurance companies, through the rating scale of the National Board of Fire Underwriters, have exercised a great deal of influence in securing high technical standards in fire administration. As a result, fire departments for many years have been freer from spoils personnel practices than most city agencies. Hence, it is not uncommon to find a municipality with an unsavory political record possessing a fire department with exceptional attainment. Most fire departments are headed by a fire chief who is a professional fireman, a career man who has come up through the ranks.

FIRE PREVENTION CONTESTS. Every year the National Fire Protection Association makes a merit award to that city in the United States which has demonstrated outstanding performance in the field of fire prevention. The conferring of the honor is based upon reports submitted by the competing cities. Memphis won the merit award for the year 1938.³ Another annual contest of a similar nature is sponsored by the National Fire Waste Council in co-operation with the United States Chamber of Commerce. The award is given to that city which has the best record of fire prevention accomplishment among the 300 cities which compete. The city of Memphis was the winner of the grand award in the 1937 and 1938 contests, while Detroit was the 1938 winner in Class 1, representing cities of more than 500,000 population.⁴

³ Unsigned, "Announce Winning Cities in 1938 Fire Prevention Week Contest," *The Eastern Underwriter* (December 30, 1938), Vol. 39, p. 23. For the background and explanation of this contest, see *Quarterly of the National Fire Protection Association, Proceedings of the Forty-Second Annual Meeting*; Part 2, Vol. 32, July, 1938, pp. 57-64.

⁴ Unsigned, "Memphis Again Winner in Fire Waste Contest," *The Eastern Underwriter* (April 7, 1939), Vol. 40, p. 24.

THE ENGINE COMPANY. The basic fire-fighting unit is the engine company, which usually consists of two pieces of motorized equipment—a pumping machine and a hose wagon. A pumping engine is the piece of motor equipment which one most often sees en route to and from a fire. It is called a “pumper” because it has a high-pressure water pump attached to its motor. An intake hose is attached to the hydrant which feeds into the pump. The pump takes the water from the ordinary pressure of the city water mains and increases it as desired.

Each engine company is headed by an officer frequently called “captain.” Beneath the captain or lieutenant is a very important individual sometimes called the engineer, who is responsible for the operation of the pump. There seems to be little uniformity in terminology with reference to the designation of the titles of the officers in American fire departments. Some cities have a classification of lieutenant while others do not.⁵

While the engine company is basic, at least one existing in every fire station, there are nevertheless other fire department units referred to as companies. There are, for instance, hook and ladder companies, salvage companies, rescue companies, and chemical companies. These are fitted into the organization and located geographically in accordance with the local situation.

The fire companies are distributed geographically over the area of a city in fire stations. The rating scale of the National Board of Fire Underwriters has created standards for municipal coverage which call for an engine or hose company within three-quarters of a mile's direct run of any spot in a mercantile or manufacturing district and one and one-half miles in a closely built residential district.⁶ Economy moves during the depression of the 1930's resulted in studies indicating that certain cities had fire stations far in excess of the Underwriters' standards.

DISTRIBUTION OF FIRE STATIONS. As the result of a survey⁷ made in Boston by the Boston Municipal Research Bureau, it was

⁵ Austin F. MacDonald, *American City Government and Administration* (Thomas Y. Crowell Co., New York, rev. ed., 1936), p. 563.

⁶ National Board of Fire Underwriters, *op. cit.*, p. 38.

⁷ Boston Municipal Research Bureau, *Reducing Boston's Fire Department Costs by Elimination of Four Engine Companies and Two Ladder Companies* (June, 1934), 25 pp. See also, *Supplementary Memorandum on Reducing Boston's Fire Department Costs* (December, 1934), 18 and xxiii pp.

recommended that four engine companies and two ladder companies be eliminated and that four fire stations be closed. A map of the city was prepared showing the standard area of coverage for each company. This was represented by a circle, the radius of which was the standard distance determined by the National Board of Fire Underwriters. The center of the circle was the location of the fire company. The map thus pictorially indicated many instances of overlapping and duplication of coverage. The report pointed out that the elimination of six companies would result in a total reduction of eighty-seven firemen and the abandonment of four fire stations. Figure 26 presents a graphical picture of a city with fire zones scientifically planned and Figure 27 shows one with many overlapping fire zones.

In New Haven, Connecticut, it was ascertained that the existing locations of fire companies was the cause of unnecessary overlapping of service. As a result, some sections of the city were within the range of three to six more fire companies than were necessary to furnish good service or to meet the approved distribution standards. The report of a survey⁸ recommended that three engine companies and one ladder company be abolished and other companies relocated.

The results of a study made in Providence, Rhode Island, disclosed that two-thirds of that city's area was overlapped by the service limits of two or more engine companies. It was also learned that a large portion of the territory where there was no overlapping service consisted of cemeteries and parks.⁹

A reorganization of the fire department in Sacramento, California, brought about a reduction in the number of fire stations from fourteen to nine.¹⁰ The results of a survey showed that because of improper location of fire companies, some parts of the city had no fire protection whatsoever while other sections had too much. Similar studies in other cities resulted in recommendations to the effect that there was an overlapping of stations and

⁸ New Haven Taxpayers, Inc., *Adequacy and Cost of Fire Protection in New Haven, Connecticut* (July, 1935), 80 pp. and Appendix.

⁹ Providence Governmental Research Bureau, *Survey and Report on the Providence Fire Department* (1934), mimeo. 48 pp.

¹⁰ James S. Dean, "Sacramento Eliminates Five Fire Stations and Reduces Personnel," *Public Management* (November, 1935), Vol. XVII, pp. 346-347.

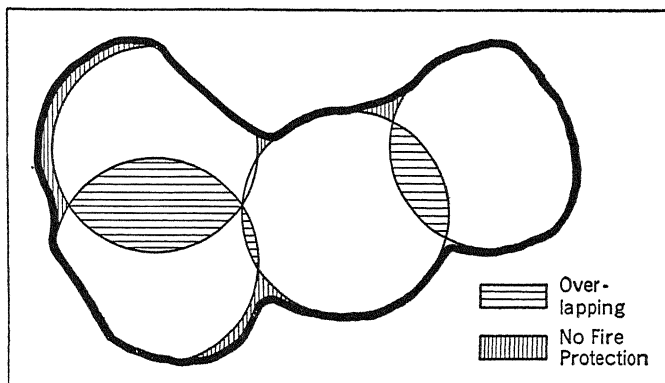


Figure 26. Chart Showing a City with a Minimum of Scientifically Grouped Fire Districts, representing adequate fire protection with an economy of expenditure

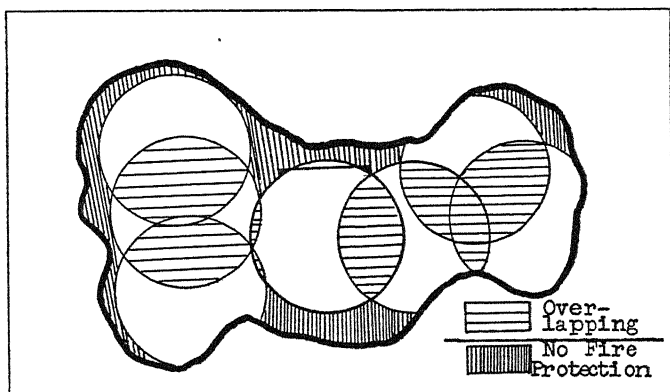


Figure 27. Chart Showing a City with a Large Number of Overlapping Fire Districts, representing duplication of effort and wasteful expenditure

that some could be eliminated without in any manner interfering with the proper fire protection.¹¹

A city of considerable size is usually divided into areas, each of which contains several fire stations. This grouping of stations is supervised by an officer whose duties compare to those of an area inspector in police administration. At the scene of a fire the captain of the company is in command, or possibly the senior captain, if there are several companies. However, the battalion chief, as the district officer is often designated, responds to fire alarms and takes command of all of the fire fighters as soon as he arrives. If an engine company is first at the scene of a fire, the captain sizes up the situation, orders the number and location of hose lines to be laid, makes a rapid mental calculation of the pressure to be required, and gives the resulting orders to the engineer and firemen. If the battalion chief is first upon the scene, he will, of course, assume charge of all such strategic moves.

PERSONNEL. The technical nature of fire administration, combined with its physical hazards, necessitates the recruitment of firemen with a high level of intelligence and superior physique. Recruits should invariably be young men under 30 years of age. It is becoming general practice to require graduation from high school. In order to rise very high in the service, firemen must have basic intelligence sufficient to learn some of the mathematics of hydraulics. Thus a battalion chief or captain must be able to survey a fire and instantaneously issue orders involving the placement, diameter, and length of hose lines required. Both he and the engineer must be able to transpose this situation into hydraulic pressure and friction tables that will yield the required stream of water at the various nozzles. This is one of the many technical aspects of fire administration which have caused the New York Fire Department to send some of its firemen to the engineering school at New York University on city time.

IN-SERVICE TRAINING. Firemen do not usually come into the service having had pre-service training in fire fighting. The

¹¹ The Institute for Training in Municipal Administration, *Municipal Fire Administration* (The International City Managers' Association, Chicago, 1936), pp. 290-291, referring to surveys made in Louisville, Kentucky, and Norfolk, Virginia.

result is that most well run departments provide for some type of in-service training.¹² In large metropolitan districts "rooky" schools are maintained. Here the neophytes go through a complete course of instruction regarding all phases of the fire service. Usually they attend in classes of ten or twenty, and the element of competition is present. Teachers are fire fighters who have taken teacher-training courses and are well qualified from a professional standpoint. Although this system is probably effective, it is obviously impossible to maintain it in most cities with limited personnel and outlay.

In-service training does not stop here. During the past ten years rapid strides have been made in the establishment of fire colleges within the fire departments. Such cities as New York and Los Angeles have complete courses covering all fields of the fire service.¹³ At these colleges, experienced firemen as well as recruits are trained. Men from other fire departments enroll and attend. After graduating they return to their own cities, there to pass the knowledge thus acquired on to men in the local departments. The large cities are doing splendid work in aiding smaller municipalities to increase the efficiency of the fire department personnel.

Firemen live in the station houses during the time they are on duty. The motor apparatus is generally on the street floor ready for immediate use. The dormitories, containing cots, recreation rooms, showers, and kitchenettes, are usually on the second floor. Firemen usually stay on duty for long shifts. A common arrangement is twenty-four hours on duty and twenty-four hours off, with an extra full day off each week. Another arrangement is for firemen to be on duty ten hours one day and fourteen the next. Either of these situations can be taken care of by what is known as a two-platoon system, that is, two shifts. However, the people of the city of New York voted not long ago to require a three-platoon system. This means that the city must have on the payroll two additional firemen for every one on duty.

¹² M. Norcross Stratton, "A Statewide Program for Efficient Training of Firemen," *Fire Engineering* (June, 1938), Vol. 91, pp. 232-234; Unsigned, "How Newark, New Jersey, Trains Its Fire Officers," *Fire Engineering* (April, 1937), Vol. 90, pp. 166-170.

¹³ *Annual Report, Department of Fire, City of Los Angeles, 1937*, pp. 19-20.

Presumably the days will then be divided into eight-hour shifts.¹⁴

Firemen on duty have a great deal of idle time at their disposal. It is conducive to bad morale, both for firemen and for other city employees who observe them, to have firemen obviously loafing.¹⁵ A great deal of time in the day shifts can be taken up by the daily cleaning of premises and polishing of equipment. A training program can be made to occupy the men on duty for another portion of the day. A fire administrator who desires to maintain the respect of the public would do well to see that his men do not remain idle and recline in front of the stations.

The Fire Alarm System

There are three types of fire alarms. They are telephone calls to the fire department switchboard; still alarms, or the report of a fire by a person appearing at a fire station; and box alarms, the automatic signal system over special lines from fire alarm boxes to the central office. By far the greatest proportion of alarms, as much as 80 per cent, is reported by telephone.¹⁶ The layman often wonders why, with the convenience of the telephone, it is necessary to maintain an expensive box alarm system covering the entire city.¹⁷ The National Board of Fire Underwriters practically demands the latter. Many residences and establishments constituting the greatest fire hazard do not have telephones. Furthermore, telephones are to a great extent unavailable to persons discovering fires away from their homes on Sundays, holidays, and after dark because then many phones are located in closed and locked premises. There is also the possibility that a greater disaster may interrupt the normal channels of communication. For this reason standard fire alarm systems are built

¹⁴ Some cities have adopted the three-platoon system for their fire departments, thus providing an eight-hour day for their fire fighters: Toledo, Ohio; Anaconda and Butte, Montana; Chisholm, Hibbing, and Virginia, Minnesota; and Carteret, New Jersey. The Institute for Training in Municipal Administration, *op. cit.*, p. 297.

¹⁵ William B. Munro, *Municipal Administration* (The Macmillan Co., New York, 1934), pp. 431-432.

¹⁶ H. A. Friede, "Shortening the Time Between Fire and Sending of Alarm," *Fire Engineering* (September, 1937), Vol. 90, pp. 441-443; The Institute for Training in Municipal Administration, *op. cit.*, pp. 321, 503-509.

¹⁷ Roger W. Babson, "The Future of the Fire Alarm Box," *Fire Engineering* (July, 1937), Vol. 90, pp. 328-329.

with underground conduits with double circuits independent of each other. If one circuit should break, the other is still available.

A fire alarm system consists of a central alarm station connected with fire alarm boxes in all parts of the city. The person making the alarm breaks a glass in the box and pulls the lever. This immediately notifies the central fire alarm station which box has been operated. The dispatcher lifts from a file the pattern of alarms previously arranged for that particular box. He places it in his dispatching apparatus, and each station concerned is notified that there is an alarm at the particular box. While the gong or bell at the local station is arousing the men, a ticker tape records the number of the box from which the alarm was turned in. This all takes place within a few seconds. The men are on the apparatus, know the number of the box, and are on their way, sometimes within a few seconds from the time the lever has been operated by the person at the box.

Some stations which do not go directly to the fire will nevertheless be notified. For instance, a particular captain will know that when the engine company at a neighboring station is called to a fire, it is his duty not to go to the fire itself, but to move his men and equipment to the station which did answer the call. There is a whole series of strategical moves worked out in the same manner that a Prussian general's staff might be expected to prepare for the eventualities of war. On the first alarm some companies go to the fire, while others move into the stations vacated. On the second alarm, other companies move to the fire and still others move up to the stations vacated. On the third alarm, this process continues.¹⁸

Each fire alarm box contains telephonic attachments and a Morse Code telegraphic key. Captains and battalion chiefs carry earphone equipment while they can plug into any box and communicate with headquarters or any fire station. Thus a battalion chief at the scene of a fire, instead of putting in second or third general alarms, may desire particular pieces of equipment which he can obtain at once by telephonic communication. The Morse Code key is intended for use if the telephone is out of order.

¹⁸ Lent D. Upson, *Practice of Municipal Administration* (The Century Co., New York, 1926), pp. 232-233.

FALSE ALARMS. False alarms constitute an annoying and irritating aspect of fire administration. Sometimes they constitute as high as 30 per cent of all alarms turned in.¹⁹ Much serious thought has been given to this problem, and some mechanical devices to counteract it have been developed or proposed. For instance, there is the automatic handcuff which reaches out and seizes the person who turns in the alarm and holds him until someone else releases him. Another attempt at detection consists of the placing of indelible ink on the fire alarm lever. However, these devices are subject to the objection that they form obstacles to achieving the primary objective of a fire alarm system, namely, to encourage people to turn in alarms for bona fide fires. There is a possibility that one might hesitate to open a fire alarm box if he knew that an iron mechanism were going to manacle him. Much more promising as a deterrent for false alarms is constant public education.²⁰

Fire Prevention

The dominant trend in fire administration today is the prevention of fires, instead of waiting to put them out. Every well-run fire department has a bureau of fire prevention. The firemen assigned to this unit have as one of their main duties the inspection of all physical structures in the city. They see that all laws and ordinances relative to structural safety are enforced. They require the proper storage of explosive and inflammable materials. They see that waste, refuse, and litter do not accumulate in such a manner as to constitute a fire hazard.

In addition to these policing functions, the bureau of fire prevention is charged with the duty of public education on questions involving fire safety. They also conduct investigations into the cause, origin, and circumstances of all fires.²¹ There should be a cordial understanding and working arrangement between

¹⁹ H. A. Stone, "Fire Administration," *The Municipal Year Book 1935* (International City Managers' Association, Chicago, 1935), pp. 80, 84.

²⁰ Editorial, *Quarterly of the National Fire Protection Association* (October, 1935), Vol. XXIX, p. 94.

²¹ R. S. Scott, "Fire Prevention Cuts Taxes," *The Tax Digest* (June, 1937), Vol. 15, pp. 192-195; National Board of Fire Underwriters, *Suggested Fire Prevention Ordinance* (National Board of Fire Underwriters, 1930), pp. 7-11; City of Dallas, Texas, *Progress, An Official Report of Municipal Achievement in Dallas, May 1, 1931, to September 30, 1934*, p. 15.

the fire prevention bureau and those who are charged with the enforcement of the city building code. The fire inspector should report any violation of the building code to the building department, and vice versa, the fire inspectors confining themselves to those aspects of safety pertaining to fire hazards. The recent tendency seems to be to have both a building code and a fire prevention code, delineating the boundaries of each.²²

One of the weaknesses of fire prevention thus far has been the difficulty in obtaining sufficient man power to perform the work properly. Inspections have in many places been carried on by firemen on duty, who inspect the premises in their own neighborhood. The disadvantage of taking the fireman away from his station is considerably counteracted by virtue of the fact that those assigned to engine company duty get to know the buildings in their own areas. This is of particular value since ventilation has become a recognized technique of fire-fighting. It is considered desirable that a fire be made to burn brightly, for then firemen can enter the building and extinguish the flames. Ventilation cleans out the smoke, makes the fire burn instead of smoulder, facilitates breathing, and affords a better opportunity to locate the fire. If firemen know the structure of the principal buildings, they can make the openings for ventilation and entry with more dispatch and less danger.²³

Arson

There is some difficulty about the legal definition of the term "arson." For our purposes, one who criminally starts a fire commits arson. At common law arson was the wilful and malicious burning of the dwelling house of another. The copying of this definition into the laws of American states led to a great deal of difficulty in convicting persons who deliberately started a fire. The difficulty in enforcement arose from the fact that the common law definition applied only to the burning of the

²² Percy Bugbee and Horatio Bond, "Building Codes and Fire Prevention Codes," *Quarterly of the National Fire Protection Association* (October, 1935), Vol. XXIX, pp. 116-121; National Board of Fire Underwriters, *Suggested Fire Prevention Ordinance* (1930).

²³ National Board of Fire Underwriters, *Fighting Fire by Modern Methods* (New York, 1924), p. 21; Fred Shepperd, *The Fire Chiefs Handbook* (Case-Shepperd-Mann Publishing Corp., New York, 1932), pp. 324-325.

house of another. It made it difficult to secure conviction of a person who deliberately burned his own property. In a large number of cases, individual instances of starting fires for the purpose of collecting insurance did not come under the operation of the law. To meet this situation the Fire Marshals' Association of North America has proposed the following definition of arson :

Any person who wilfully and maliciously or with intent to defraud sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of . . .²⁴

almost any type of property, no matter by whom owned.

There is some controversy as to whether or not the investigation and preparation of arson cases should be handled by the fire or the police department. Some cities have a special arson squad within the fire department. This agency co-operates with detectives assigned from the police department. The handling of arson investigations is a very specialized branch of detective work. The crime is generally proved by circumstantial evidence, and the defendant usually has an alibi. The result is that scientific investigation has been highly developed. A qualified arson investigator can read the signs of arson in much the same manner that an Indian scout can read the trail, the difference being that the former bases his deductions largely upon knowledge of modern science. For instance, when the owner tells him that burned furs were seal, he can tell that they were only rabbit by the use of microphotography. He can tell whether or not oil was used to start a fire. As a matter of fact, the arson investigator has an uncanny power to reconstruct the beginning of almost any kind of burning.

The prosecution of arson cases is extremely trying, for it is very hard to get convictions. There seems to be a general prejudice in favor of the accused arsonist because the public apparently does not object to permitting the insurance companies to pay the cost of the damage. Further, arson is that type of crime which is rarely committed in the presence of witnesses. The crime is usually committed at a time and place where there is least chance of

²⁴ Unsigned, *The Crime of Crimes* (National Board of Fire Underwriters, New York, no date), p. 18.

being discovered in the act. The nature of the offense is such that it tends to destroy evidence of the crime, and incriminating evidence generally does not remain in the possession of the accused.²⁵ From the standpoint of judicial proof the origin of the fire must be proved beyond reasonable doubt. Every fire is deemed to be accidental unless the fact of incendiarism is established. The elements or the body of the crime must be proved by competent testimony.

The fire fighters at the scene of the crime are the logical persons to observe facts which indicate the existence of suspicious

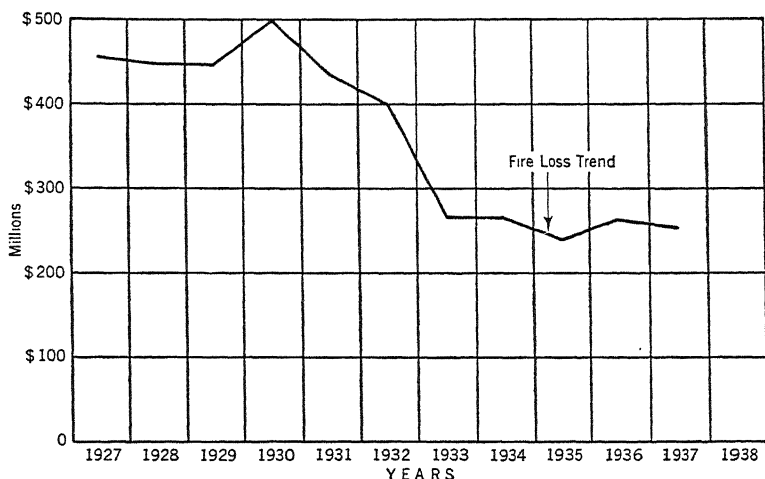


Figure 28. Annual Fire Losses in the United States, 1927-1937

(From *Quarterly of the National Fire Protection Association*, July, 1938, table, p. 12.)

circumstances relative to the origin of the fire. Even though there is a confession of guilt and a strong motive is present, it is rarely possible to introduce such evidence unless incendiarism can first be proved in the body of the crime. Arson cases have been lost because available fingerprints were not taken, footprints leading

²⁵ W. J. Scott, "Arson Investigation," *Quarterly of the National Fire Protection Association, Proceedings of Forty-Second Annual Meeting* (July, 1938), Vol. 32, pp. 22-23; Unsigned, "Control of Arson," *Fire Engineering* (October, 1937), Vol. 90, pp. 544, 547-548.

to the place of entry to the building were not preserved, and evidence was not properly marked, filed, or carefully guarded.²⁶

Fire losses showed a sharp increase in 1930, followed by a big decline thereafter. One explanation of this decline is the increased activity and effectiveness in controlling arson fire. The financial reverses resulting from the first year of the depression occasioned an epidemic of arson fires. Increased enforcement activities then brought arson under control, with the result that we are now nearer its solution than before.²⁷

Salvage

It is frequently stated that greater fire losses are caused by water than by fire. Today fire departments are aware of the water hazard to property and are making sincere efforts to keep damage at a minimum. Salvage operations were formerly carried on by companies organized by the Underwriters. Today salvage operations are accepted as a part of the duties of fire departments. Some departments have special salvage companies. The most useful salvage tool is the salvage cover, consisting of a large waterproof canvas or tarpaulin. A salvage truck carries a whole load of these, neatly folded and stored for ready use. Practically every engine company has a few on hand. On coming into a room, the firemen arrange the household goods so as to avoid damage from fire and water. They will then cover the pile with salvage covers. In cutting holes in the floors for the water to run off, they will be governed by the direction in which it is desirable for the water to go. Sometimes they will build channels out of sawdust and other materials and direct the flow of water where it will do the least harm. After the fire has been extinguished, salvage operators remain to clean the premises.²⁸

²⁶ T. Alfred Fleming, "Detection and Conviction of Firebugs," *Fire Engineering* (September, 1935), Vol. 88, pp. 372-374; George W. Smith, "The Control of Incendiarism," *Quarterly of the National Fire Protection Association* (October, 1932), Vol. 26, pp. 113-120; Percy Bugbee, "Progress Against Arson," *Quarterly of the National Fire Protection Association* (July, 1937), Vol. 31, pp. 14-16.

²⁷ Stone, "Fire Administration," *loc. cit.*, pp. 80, 85.

²⁸ W. C. Norton, "Salvage and Overhauling Practices," *Proceedings of the Third Annual Northwestern Fire School* (University of Minnesota, September 22-26, 1930), pp. 44-45; Daniel H. Shire and Lindon J. Murphy, *Practical Salvage Suggestions for the Fire Department* (Bulletin 112 in Engineering Extension Service, Iowa State College, Ames, 1932), 38 pp.; National Board of Fire Underwriters, *Fighting Fire by Modern Methods* (New York, 1924), 36 pp.

Fire Apparatus

A study of nineteen selected cities in 1935 showed that almost half of the motor equipment of fire departments was over fifteen years old. This type of equipment is very expensive. For instance, a typical pumper will cost approximately \$15,000, while towers and hook and ladder equipment are even more expensive. Fire equipment is not subjected to the daily hard usage that is expected of a truck in the public works department. Hence physical depreciation does not operate to the same degree as does obsolescence. It is difficult for a city council to justify the expenditure for equipment which seems to be in just as good running condition as when it was purchased ten or fifteen years before, especially when the outlay is so large. Nevertheless, mechanical improvements to this type of apparatus in recent years are sufficient to justify a program of replacement.²⁹ All-enclosed apparatus protects the crew while responding to calls in inclement weather. It also affords ample protection to the men while returning to their quarters when they are wet and cold from fire-fighting activities and exposure. In addition, the enclosed apparatus provides additional protection for the fire fighters in case of collisions.³⁰

RESCUE SERVICE. In the old days, a fire department organized a rescue squad primarily for rendering aid to its own injured members. As time went on they had such rescue devices as inhalators and oxygen tanks. Certain firemen became proficient in administering first-aid and artificial respiration. As the general public became aware of this proficiency, it began to call upon the fire department for the revival of persons who had fallen victim to asphyxiation, drowning, and various types of shock. Metropolitan fire departments of today are organized, equipped, and trained to furnish this type of service on an emergency basis, responding to a wide variety of calls. The humaneness of this activity has fostered very cordial relations between firemen

²⁹ National Board of Fire Underwriters, *Fire Department Apparatus*, Bulletin No. 54 (April 1, 1938); same author, *Replacement of Fire Apparatus*, Bulletin No. 39 (July 15, 1937); same author, *Selection of Fire Apparatus*, Bulletin No. 60 (July 15, 1938).

³⁰ William J. Cawker, "Enclosed Apparatus Reduces Illness 50%," *Fire Engineering* (September, 1938), Vol. 91, pp. 397-398.

and the public. The press has been quite generous in printing stories and pictures of firemen who have revived unfortunate victims of drowning and asphyxiation. Rescue work of this type is practically unquestioned as a legitimate expenditure of tax money.

Fire Standards

The National Board of Fire Underwriters issued its schedule for grading cities in 1916. It consists of a rating scale based on minus points distributed as follows :

Water supply	1700
Fire Department	1500
Fire alarm	550
Police	50
Building laws	200
Hazards	300
Structural conditions	700
	<hr/>
	5000 ³¹
	<hr/>

To achieve a high rating a city strives to have the fewest possible number of points. In other words, a low over-all score means a high rating. Cities are graded by classes, from 1 to 10, most cities falling in Class 3 or 4.

The National Board's engineers say that their schedule is designed to measure, not the adequacy or efficiency of the municipal fire department, but the hazard of conflagration and possibility of large loss fires.³² In recent years, however, this schedule, which has been virtually unchanged for two decades, has been the subject of considerable criticism. Recent studies have shown no relationship between the rating achieved and fire losses.³³ The schedule has been criticized because it is lacking the four factors having an important bearing upon the situation. In the first place, it is claimed that a city might have good physical fire

³¹ National Board of Fire Underwriters, *Standard Schedule for Grading Cities and Towns of the United States With Reference to Their Fire Defenses and Physical Conditions* (The Board, New York, 1916 and 1930), 79 pp.

³² C. E. Ridley and Herbert A. Simon, "Measuring Fire Department Activities," *Public Management* (April, 1937), Vol. XIX, p. 114.

³³ Harold A. Stone, *Fire Insurance Classification of Cities and Fire Losses* (Public Administration Service, Pub. No. 43, Chicago, 1934), p. 19.

equipment and defenses but be manned by an incompetent personnel. Secondly, fire prevention is not given an adequate place in the schedule. Thirdly, the moral hazard is not taken into consideration. Fourth, there is no attempt to take account of the record of fire losses and the number of fires. The Board is said to explain its inattention to these matters because it regards them as imponderables, incapable of measurement. Others claim that new techniques of measurement not known at the time of the framing of the schedule now make it possible to measure at least some of these items.³⁴

It seems to be pretty well agreed that the development of standards for measuring the efficiency of fire departments is going to depend upon the development of a nation-wide system of fire department records. Such a record system should provide a wide variety of accurate data relative to fires and valuation of losses. These data should be secured in such a manner as to be capable of comparison on a national basis. There is now available a modern record and reporting system for fire departments. If this is installed and maintained in a sufficient number of cities geographically distributed, it should furnish comparative data, the study of which should reveal a great deal not now known about fire administration.³⁵

Structural Safety

All progressive cities have ordinances regulating the manner in which buildings shall be constructed. Such an ordinance is known as the building code. It provides for the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings or structures erected or to be erected in the municipality. The code is administered by a building official usually appointed by and under the general control of the mayor or manager, but subject to removal only for cause. When a building is to be constructed or altered, the plans must be submitted to the building official. Construction may not proceed until he has given his approval. Responsible to the build-

³⁴ Stone, *op. cit.*, p. 19.

³⁵ DeWayne E. Nolting, *A Model Records and Reporting System for Fire Departments* (Public Administration Service, Pub. No. 60, Chicago, 1938), 78 pp.

ing official is a corps of inspectors who are constantly visiting and watching the entire course of construction jobs. The purpose of such regulation is, of course, to see that builders maintain a certain minimum standard of safety.³⁶

The maintenance of proper structural standards is a struggle between what is ideally desirable and what is economically feasible. Economic returns do not permit the construction of an absolutely fireproof city. The result is that building codes must recognize this dilemma. They must demand the highest possible building safety, and at the same time give realistic cognizance to the maximum expenditure justified for the various types of structures. It is general practice to require a much higher standard of fire resistance with reference to the buildings in the central retail district.

There is a school of city planners which believes that the zoning ordinances should be enforced by the same authority which enforces the building code. Thus when a building permit is applied for, its compliance with zoning regulations could be checked simultaneously with building plans. Zoning maintenance also requires constant inspection, a task for which the building department is well equipped.

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³⁶ *Building Code Recommended by the National Board of Fire Underwriters* (New York, 5th ed., 1934), 316 pp.; Edna Trull, *The Administration of Regulatory Inspectional Services in American Cities* (Municipal Administration Service,

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CHAPTER XIV

PUBLIC HEALTH

What Is Public Health?

There was no known protection against epidemic disease one hundred years ago. Then in 1868, Louis Pasteur discovered that disease was not a heavenly curse but an earthly phenomenon caused by forces within the control of man. Disease, Pasteur found, is caused by minute microscopic organisms known as bacteria. These tiny germs exist in the air, soil, water, food, and milk. Protection comes, he discovered, from so treating these substances that bacteria cannot live therein.¹ Thus the active and scientific campaign against sickness which modern public health administration wages has its foundations in the germ theory of disease.

THE NATURE OF BACTERIA. Bacteria are not visible to the naked eye. Some may be seen under a microscope, while others are so small that no microscope yet made will reveal their presence to the eye.² Their reproduction may be very rapid, as much as a generation every twenty minutes, or they may live in a dormant stage for months and years, germinating only when conditions again become favorable. There are more than four hundred kinds of bacteria harmless to man, and twenty or thirty known kinds which may cause disease among human beings. Disease-bearing bacteria are spread chiefly in three ways: direct discharges from the human nose and mouth; indirect contact with human excreta, largely through food and drink; and disease-bearing insects. The

¹ Vallery-Radot, *The Life of Pasteur* (Garden City Publishing Company, Garden City, no date), 484 pp.

² Illinois Department of Public Health, *Bacteria, What They Are, How They Influence Health*. Health Education Circular No. 10, 1934-35 (published by authority of State of Illinois), 8 pp. See also C.-E. A. Winslow, *Man and the Microbe* (Funk & Wagnalls Co., New York, 1924), pp. 1-16.

contacts to be watched are the "three F's," fingers, food, and flies.³

Throughout the half dozen decades that have passed since the experiments of Pasteur, scientists have been searching for bacteria which cause certain varieties of disease. Surgeon-General Gorgas and Walter Reed, as a result of their sanitary activities in Cuba following the Spanish-American War, set out to find the cause of yellow fever. Suspecting that mosquitoes had something to do with it, they called for enlisted men to volunteer to be bitten and observed. The result was the discovery of the mode of spread of yellow fever, leading to the tropical fight on mosquitoes.⁴ It was also found that malaria was being spread by this same insect.

Today it is known that the dread bubonic plague is carried by fleas which are the parasites of various rodents. This is why rat control and extermination is an important activity in the ports of the world.

Certain kinds of diseases which were the scourge of our grandfathers are today controlled by immunization. Thus smallpox is practically eliminated in those sections of the United States where public health administration has achieved a reasonable degree of proficiency. Diphtheria need not occur if proper steps are taken to immunize all young children, especially infants. As a matter of fact, the struggle of men of science against harmful bacteria constitutes a modern epic unsurpassed throughout the ages of heroism and romance.⁵

THE CHANGING CONCEPT OF PUBLIC HEALTH. The existing belief that public health should be concerned primarily with preventive medicine is being subjected to reconsideration today. Recent events and studies have indicated that disease is not only a product of the action of bacteria but of the uncertainties of the economic order as well. Official figures indicate that a huge pro-

³ Illinois Department of Public Health, *op. cit.*, p. 7 ff.

⁴ Allan Johnson and Duman Malone (eds.), *Dictionary of American Biography* (Charles Scribner's Sons, New York, 1931), Vol. VII, p. 430 ff.

⁵ See C.-E. A. Winslow, *A City Set on a Hill* (Doubleday, Doran & Co., New York, 1934), 367 pp.; Paul DeKruif, *Why Keep Them Alive?* (Harcourt, Brace & Co., New York, 1936), 293 pp.; Victor Heiser, *An American Doctor's Odyssey* (W. W. Norton & Co., New York, 1936), 544 pp.; Sir Hector C. Cameron, *Reminiscences of Lister* (Jackson, Wylie Co., Glasgow, 1927), 45 pp.

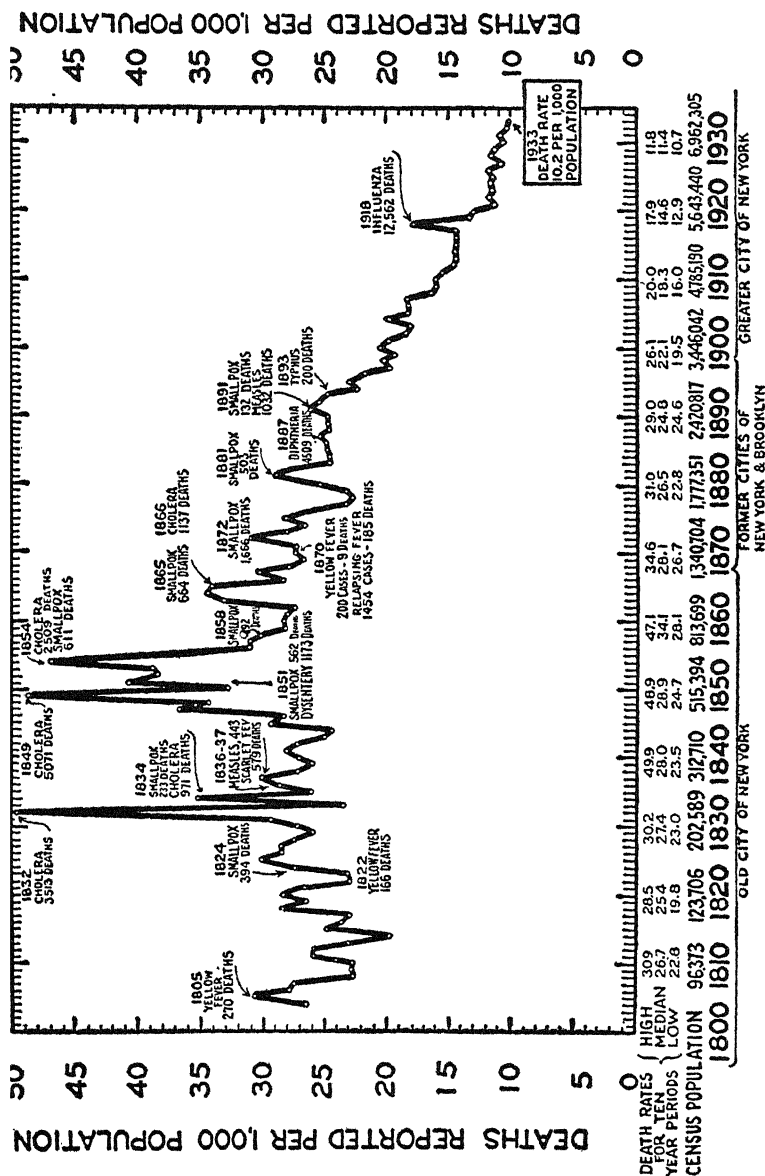


Figure 29. The Conquest of Pestilence in New York City. Death rate per 1,000 population, since 1804 (From the *Milbank Memorial Fund Quarterly*, Vol. XIII, July, 1935, pp. 219-222. Courtesy of Dr. Charles F. Bolduan, Director of Health Education, New York City Department of Health.)

portion of the non-indigent population of America cannot afford and is not receiving adequate medical care.

In 1935 and 1936 the United States Public Health Service conducted a monumental inventory of the people's health. Information from some three million persons living in eighty-four cities and twenty-three rural areas of nineteen states was secured. It was found that poor people are sick a great deal more than the well-to-do, yet receive much less medical care.⁶ Chronic illness

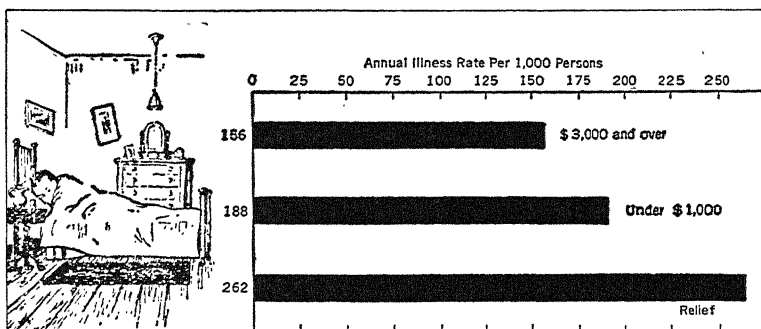


Figure 30. Frequency of Illness per Annum Among Members of Families in Selected Income Brackets

(From United States Public Health Service, *Public Health Reports*, April 1, 1938, Vol. 53, p. 486.)

was found to be much more prevalent among the lower income groups, almost twice as many of the poor having such maladies as do the middle and higher income groups. Between twenty-eight and thirty persons out of every hundred with low incomes are receiving no medical care whatever.⁷ The cardinal fact brought out by this government survey is that "a large proportion of the population—certainly one-third, and perhaps one-half—is too poor to afford the full cost of adequate medical care on any basis."⁸ In Denver the death rate for babies born to families in the lowest income group was found to be five and one-

⁶ Technical Committee on Medical Care, *The Need for a National Health Program* (Interdepartmental Committee to Coordinate Health and Welfare Activities, Washington, D. C., 1938), pp. 24-28.

⁷ *Ibid.*, p. 24.

⁸ *Ibid.*, p. 27.

half times that of the rate for infants born to those with incomes of \$3,000 a year or more.⁹

The logical first step in any program for the control of disease and sickness is to develop a sufficiency of medical and public health personnel. Yet there are not in the entire country enough doctors and nurses to carry on an adequate public health program. There is a shortage of public health nurses in particular, almost four times the present number being necessary to meet adequate standards. As a matter of fact, one thousand counties are still without a single public health nurse.¹⁰ Moreover, the equitable distribution of physicians between rural and urban areas is an absolute necessity. Because of the greater attractiveness of city practice, doctors have neglected the rural areas until the shortage of medical men in these places has reached serious proportions.¹¹

These findings are gradually creating a reorientation of thought and philosophy regarding public health.¹² In the past, the activities of public health agencies have been limited by public and official opinion. They enforced the sanitary laws, isolated those infected with contagious diseases, lectured to expectant mothers. When they stepped over the boundaries of preventive medicine and started administering to ailing individuals, they were regarded as being out of their proper sphere. However, it has become increasingly apparent to public health leaders that the rôle of preventive medicine is distinctly limited. Sickness has become so highly prevalent among the unemployed and the poor that it constitutes a public hazard.¹³ Preventive medicine is inadequate to meet it. The ultimate in public health can be achieved only by furnishing proper nutrition, living conditions, and medical care to those who cannot now afford to purchase it. Municipal

⁹ Unsigned, "In the Market for Health," *Consumers' Guide* (November 7, 1938), Vol. V, p. 4 ff.

¹⁰ *Ibid.*, p. 3.

¹¹ Technical Committee on Medical Care, *op. cit.*, p. 30.

¹² C.-E. A. Winslow, "The Public Health Aspects of Medical Care From the Standpoint of Public Health," *American Journal of Public Health* (January, 1939), Vol. XXIX, pp. 16-22.

¹³ More than twice as many people in the lower income groups go without medical care as do persons in the higher income groups. Moreover, relief families are hit by 47 per cent more acute illness and 87 per cent more chronic illnesses than other families. "In the Market for Health," *loc. cit.*, pp. 3-6.

public health agencies must become increasingly concerned with these questions.¹⁴

Organization of Public Health Departments

PUBLIC HEALTH JURISDICTIONS. The main responsibility for the actual line operation of public health administration resides with the cities and counties. Both the Federal and the State Governments, however, have very definite public health obligations.

The public health activities of the Federal Government rest largely with the United States Public Health Service in the Federal Security Agency. This organization is in direct charge of administering public health activities which arise through intercourse with foreign nations and among the states. Thus it meets ships coming into American harbors and administers the quarantine, examining all immigrants; it licenses biological products shipped in interstate commerce; it provides medical care to certain persons specified by Congress, such as sailors of the merchant marine. In addition it compiles statistics and sanitary reports, and is active in venereal disease control and mental hygiene.¹⁵ As far as local health work is concerned, it contacts the cities by aiding in the fight against those epidemics which have an interstate and international aspect. One of the principal activities of the United States Public Health Service is its continuous research leading to advice and technical co-operation with state and local agencies. The work of the United States Public Health Service has recently been supplemented by the National Institute of Health. This organization supplants the old United States Hygienic Laboratory and is largely concerned with medical and bacteriological research in a number of fields.¹⁶ Most notable

¹⁴ See National Institute of Health, *National Health Survey, 1935-36, Illness and Medical Care in Relation to Economic Status* (National Institute of Health, Washington, D. C., 1938), mimeo., 8 pp.

¹⁵ See the following periodical publications of the United States Public Health Service for detailed information: *Public Health Reports*, weekly; *Venereal Disease Information*, monthly; *Public Health Bulletin*, irregularly; *National Institute of Health Bulletin*, irregularly; *Annual Report of the Surgeon-General of the Public Health Service*.

¹⁶ Some of these fields are typhus-Rocky Mountain spotted fever, encephalitis, infantile paralysis, leprosy, and trachoma, as well as studies in chemistry and public health methods. *Annual Report of the Surgeon-General of the Public Health Service of the United States* (Government Printing Office, Washington, D. C., 1936), p. 54 ff.

among the other federal agencies which have some contact with public health administration is the Social Security Board, which administers grants-in-aid to the states for public health.

All states have a department of health, usually operating under a Board of Health or Public Health Council, whose principal duties are to determine policies and to make regulations with state-wide application. The state departments of health exercise some degree of supervision over local health agencies, assist in a consulting capacity, and conduct direct services such as laboratory, sanitary engineering, and maternal and child health services. In some states, the public health department conducts periodic tests of municipal water supplies. In others, it approves plans and specifications for the construction and operation of sewage disposal and water treatment plants. State boards of public health have, in some jurisdictions, been given the power to order cities to cease and desist from polluting water supplies by the improper disposal of sewage.¹⁷

It is at the level of local government, however, that the actual pick-and-shovel work of public health administration is done. Thus the sanitary inspectors, the public health nurses, the laboratory technicians, the public health doctors who actually make the day-by-day contacts with health problems are employed by cities, counties, and school districts. The following is a skeleton outline of the functions and activities of a health department as determined by the Committee on Administrative Practice of the American Public Health Association:

1. Bureau of Administration
 - A. Division of Administration
 - B. Division of Public Health Education
2. Bureau of Vital Statistics and Records
3. Bureau of Communicable Disease Control
 - A. Division of Epidemiology
 - B. Division of Tuberculosis
 - C. Division of Venereal Diseases

¹⁷ *City of Bucyrus v. Department of Health of Ohio, et al.*, 166 N. E. 370, 120 Ohio St. 426, 2 Ohio Bar 10 (April 24, 1929); *Neal, Director of Health v. Williams, Mayor, et al.*, 166 N. E. 377, 120 Ohio St. 432, 2 Ohio Bar 10 (April 24, 1929).

4. Bureau of Maternal and Child Health
 - A. Division of Maternal, Infant, and Preschool Health
 - B. Division of School Health
5. Bureau of Public Health Nursing
6. Bureau of Environmental Sanitation
 - A. Division of Public Health Engineering
 - B. Division of Milk Control
 - C. Division of Food Control
7. Bureau of Laboratories.¹⁸

Like most specialized groups, the health interests desire their special boards. The board of health, while still quite general throughout the United States, is probably less prevalent than it was a generation ago. Thus cities such as Baltimore and Pasadena, and counties such as Los Angeles, have the single-headed department. Administrative authorities in the field, while becoming reconciled to the single director, nevertheless feel that an advisory board should be retained.¹⁹ Suffice it to say that some of the best public health administration in the United States is being carried on by health officers directly responsible to mayors and city managers.²⁰ Under the best practice, the health officer is appointed for indefinite tenure and is removable only for cause.

THE HEALTH OFFICER. The health officer should be an individual with special training. The mere possession of a medical degree is not sufficient. He should have both administrative training and ability, as well as a certain amount of proficiency in the fields of sanitation and the technical aspects of public health. This type of background and subject matter is not commonly possessed by the practitioner of medicine.²¹ While most health officers will continue to be medical men, there is no absolute reason why this need be so. There are many fine workers in the field of public health who possess non-medical professional back-

¹⁸ Ira V. Hiscock (ed.), *Community Health Organization* (The Commonwealth Fund, New York, 1939), 3rd ed., pp. 29-30.

¹⁹ *Ibid.*, pp. 35-39.

²⁰ See Henry Meleney, M.D., "Certain Criteria in Qualifications and Preparations of Health Officers," *American Journal of Public Health* (April, 1938), Vol. XXVIII, pp. 423-429.

²¹ Under arrangements sponsored by the United States Public Health Service, post-graduate instruction in Public Health will be given to officials who have heretofore had none. Meleney, *loc. cit.*, p. 424.

grounds. These are sanitary engineers, bacteriologists, and those having had graduate study in the administrative aspects of public health. Two of the larger universities are now granting the degree of Doctor of Public Health without requiring the degree of Doctor of Medicine as a prerequisite.²²

FIELD ORGANIZATION. The tendency in large urban areas is unquestionably in the direction of decentralizing the actual contact of the health authorities with the public. This has taken the form of dividing the city into health districts which are administered from headquarters buildings called "health centers."²³ In these will be found the office of the district health officer and under him the district chiefs of the specialized services. The building may contain laboratories, emergency hospital, classrooms, conference rooms, and clinical and educational facilities.

Some difficulties in organization have accompanied the establishment of field centers or health districts. These have been occasioned chiefly by the problem of determining the proper lines of authority between the functional specialist in the field. In other words, what is the relation between the chief in charge of public health nursing in the central office and the public health nurses working out of a district office? Students of public administration will recognize this problem immediately as being universal to all branches of administration having a field service.²⁴ They will also know that the universal answer is that the field chief should be supreme over the functional specialist charged to him and that the line of authority should run from the functional specialist in the district office to the district health officer; from the district health officer to the district office supervisor in the head office; from him to the health officer, and from him back to the functional specialist in the head office. This may seem complicated, yet it is very simple if once understood. The student can impress it upon his memory if he will merely remember the following simple rule: the district health officer should have com-

²² Massachusetts Institute of Technology and the University of Michigan.

²³ See John L. Rice and Margaret Barnard, "Four Years of District Health Administration in New York City," *Milbank Memorial Fund Quarterly* (July, 1938), Vol. XVI, pp. 253-266.

²⁴ Luther Gulick and L. Urwick, *Papers on the Science of Administration* (Institute of Public Administration, New York, 1937), pp. 26-37.

plete responsibility and control over all of the personnel assigned to the district.²⁵

The Prevention of Disease

ACUTE DISEASES. The fight against contagion takes a variety of forms, the main objective being to destroy the causative agent at its source.²⁶ Thus in yellow fever and malaria the common enemy is the mosquito. This has been attacked by draining swamps, covering stagnant pools with films of oil, dosing standing water with chemicals which kill the larvae, and by stocking them with fish which eat the larvae. Bubonic plague defense takes the form of killing rats and other rodents. The large metal discs on the hawsers of ships are for the purpose of keeping rats from getting either off or on.²⁷ Public health authorities sometimes fight ground squirrels on an extensive battle line which may be one hundred miles distant from any port. It is well known that typhoid is transmitted by human beings. The plan of attack is to keep its bacteria from getting into water, milk, and food. Thus the sources of water supply must be protected from sewage. The bacteria in milk can be killed by pasteurization, and cleanliness in food handling can guard against direct transmission.²⁸

There are certain types of disease which can be prevented by vaccination and injection of serums. These include smallpox and diphtheria. Persons desiring to travel in foreign countries are usually required to be vaccinated against typhoid, cholera, and smallpox. Typhus is another insect-borne disease, frequently associated with uncleanness.²⁹

Acute contagious diseases in epidemic form have been largely conquered, although there are still some, such as infantile paralysis, which present serious problems. The fact that life expectancy at birth has increased during the last forty years from forty-nine to almost sixty years is an eloquent monument to the conquest

²⁵ Hiscock, *op. cit.*, pp. 256-259; C.-E. A. Winslow, *Health Under the El* (Harper & Bros., New York, 1937), 203 pp.; Health Department, City of Baltimore, *Annual Report, 1937* (Health Department, Baltimore, 1938), pp. 97-118.

²⁶ See W. W. Bauer, *Contagious Diseases* (Alfred A. Knopf, New York, 1934), 218 pp.

²⁷ A. Zinsser, *Rats, Lice and History* (Little, Brown & Co., Boston, 1935), 301 pp.

²⁸ Bauer, *op. cit.*, pp. 20-46, 127-142.

²⁹ Zinsser, *op. cit.*, pp. 229-281.

of contagion by preventive medicine.³⁰ The most vexing problems in the field of illness today have become the diseases of middle and old age.

CHRONIC DISEASES. Chronic diseases such as cancer, heart trouble, ailments of the circulatory system, and a variety of illnesses generically grouped under the heading of rheumatism are today causing over twice as many deaths per year as they did forty years ago.³¹ In Massachusetts in 1900 chronic diseases were responsible for only one-third of the total number of deaths. By 1930 approximately two-thirds of all deaths were due to chronic illnesses.³²

The treatment of chronic diseases is costly, complex, and of long duration. Such diseases often cause both social and economic disorganization in the family which ultimately results in the necessity for community assumption of the responsibility for the family. For these reasons chronic illness has become an especially knotty public health problem. Thus far communities have generally failed to accept responsibility for the treatment of the chronic sick,³³ with the result that the public welfare rolls are daily increased by families whom chronic illness has made economically dependent.

Not long ago persons afflicted with chronic diseases were thought to be scheduled for an early doom. However, while the cause of cancer, for instance, has not been discovered, effective methods of treatment are now known.³⁴ If a person will subject himself to early treatment, his chances for cure are fairly favorable.³⁵ If a person afflicted with a heart ailment will regiment himself to the course of living prescribed by his physician, his chances for longevity are substantial.

³⁰ Department of Commerce, Bureau of the Census, *United States Life Tables, 1931* (Government Printing Office, Washington, D. C., 1936), 57 pp.

³¹ G. St. J. Perrott and Dorothy F. Holland, *Chronic Disease and Gross Impairments in a Northern Industrial Community* (United States Public Health Service, Washington, D. C., no date), mimeo., pp. 1-3.

³² *Ibid.*, p. 2.

³³ Except for tuberculosis, syphilis, and mental diseases, with a limited number engaged in treating cancer and heart diseases.

³⁴ See National Institute of Health, *Experimental Studies on Cancer* (United States Public Health Service, Government Printing Office, Washington, D. C., 1935), 58 pp.

³⁵ The U. S. Public Health Service, through the National Institute of Health and its Division of Scientific Research, conducts extensive research into causes and cures for cancer. *Annual Report of the Surgeon General, 1936*, p. 54 ff.

TUBERCULOSIS. Seventy thousand people die of tuberculosis each year. It is responsible for more deaths between the ages of fifteen and forty-five than any other disease. Yet if public health authorities were allowed to put to work all the knowledge and technique which they now possess, this dread disease could be very nearly stamped out in a generation. The fettered efforts already made have reduced the death rate by two-thirds in less than forty years.³⁶ The release of all knowledge and abilities upon the problem cannot be effected until legislative bodies will grant sufficient financial and statutory support for a complete program of control.

Adequate systems for reporting cases from physicians, hospitals, and clinics are needed. High school pupils should be tuberculin tested, and where infection is found, the child's entire family should be examined. Clinics should be established to enable individuals to seek examination, care, and advice. Every effort should be made to find cases as early as possible, with special care being taken to reach industrial and special race groups. Treatment of infected persons should be immediate and complete, including hospitalization for those who need it and segregation of the worst cases. All cases should be followed through by the health authorities until a cure has been effected. If found in time, tuberculosis can be checked and the victims returned to a normal and active life.³⁷

In recent years much use has been made of surgical methods for treating tuberculosis. These techniques are called collapse therapy, and their object is to cause a collapse of the lung, resulting in isolation of the infected area and arrest of the spread of the disease.³⁸ Thousands of people are today pursuing normal lives who have undergone or are still undergoing this treatment. In many places the public health department regards tuberculosis as such an imminent menace to health that it feels justified in administering collapse therapy itself.

³⁶ In 1911, the death rate of tuberculosis per 100,000 population was 159.2. By 1920, it was 114.2, and in 1935, it had fallen to 55.0. Bureau of Census, Division of Vital Statistics, *Mortality Statistics, 1935, and 1920* (Government Printing Office, Washington, D. C., 1937), pp. 14, 36.

³⁷ Hiscock, *op. cit.*, pp. 99-116.

³⁸ John Alexander, M.D., *The Collapse Therapy of Pulmonary Tuberculosis* (Charles C. Thomas, Springfield, Illinois, 1937), 705 pp.

VENEREAL DISEASES. Only a few years ago the words "syphilis" and "gonorrhea" were taboo. However, a realization of the distress suffered by innocent and guilty alike gave Dr. Thomas Parran, Surgeon-General of the United States Public Health Service, the courage to speak out in 1936.³⁹ The result has been that the social diseases have come out of hiding and are now receiving the public attention which their seriousness deserves. It has been authoritatively estimated that one out of every ten Americans is, or will be during his life, afflicted with syphilis.⁴⁰ Moreover, the incidence of new cases in every year exceeds one million.⁴¹

It used to be that the names of the social diseases struck terror to the hearts of everyone. The knowledge about them was largely of the surreptitious variety that circulates via underground channels. The common belief has been that syphilis is incurable. There is undoubtedly some advantage in having a widespread fear of these diseases. On the other hand, a lack of understanding of their true nature has contributed to the tremendous difficulty in combating them. Now it can and should be said that they are curable and that recovery is possible if treatment is started early enough and sustained for a sufficiently long period. It is precisely at this point that the administrative difficulties of venereal disease control occur. Infected persons are naturally reluctant to let their predicament be known. Furthermore, the external symptoms sometimes disappear after short treatment, giving the illusory impression that a cure has been effected.

The problem in public health administration is, first, to know where infection exists, and secondly, to maintain treatment until a cure results.⁴² Public health departments usually maintain clinics for the direct treatment of venereal diseases. Private physicians are required to report cases coming to their attention. The problem, however, of following up the cases thus brought to the authorities' attention is the most vexing one with which

³⁹ Nels A. Nelson and G. Crain, *Syphilis, Gonorrhea, and the Public Health* (The Macmillan Co., New York, 1938), 359 pp.

⁴⁰ Thomas J. Parran, *Shadow on the Land* (Reynal & Hitchcock, New York, 1937), pp. 60, 298.

⁴¹ *Ibid.*

⁴² *Ibid.*, pp. 246-267.

venereal disease control is faced. The usual length of time required to accomplish a cure is eighteen months, yet few jurisdictions have been thus far able to follow up effectively more than a small percentage of the reported cases for this long.⁴³

Infant and Maternal Care

It is commonly said that the United States is more prodigal of its mothers and infants than any other occidental country. Statistics have been quoted to show that our mothers and babies die much faster than do those, for instance, of Australia, Sweden, or Norway.⁴⁴ Maternal mortality is the ratio of mothers dying in childbirth and is expressed in the number per 10,000 live births.⁴⁵ Infant mortality consists of the number of babies dying during the first year of life, and is expressed in number per thousand live births. The adverse record of the United States in this respect is considerably aggravated by the extraordinarily high death rate existing among the colored race and the Mexicans of the Southwest.

Public health authorities attack this problem by various means. There are clinics where mothers come for prenatal advice and to which they bring their babies after birth. There are conferences and lectures on child welfare and care. Some states provide for supervision and licensing of midwives, for the percentage of births at which a physician is not in attendance is still large in some portions of the rural South and in industrial districts of the North.⁴⁶ In many places the health authorities make every effort to get expectant mothers to submit to a medical examination and instruction at regular periods for several months

⁴³ One out of seven cases of blindness and one out of ten insanity cases are caused by syphilis, while 25,000 babies die each year from that disease. Unsigned, "In the Market for Health," *Consumers' Guide* (November 7, 1938), Vol. V, p. 3.

⁴⁴ In 1935, the infant mortality rate in the United States was 55.7 per 1,000 live births, while in Australia it was 39.8, in Sweden 46.8, and in Norway only 39.3. Bureau of Census, Division of Vital Statistics, *Births, Stillbirths and Infant Mortality Statistics, 1935* (Government Printing Office, Washington, D. C., 1937), pp. 26-27.

⁴⁵ In 1936, in the United States 57 mothers out of each 10,000 died in childbirth. Children's Bureau, Department of Labor, *Proceedings of Conference on Better Care for Mothers and Babies* (Government Printing Office, Washington, D. C., 1938), p. 146.

⁴⁶ In rural Georgia only 51.7 per cent are delivered by doctors, and in rural Louisiana less than 58 per cent had physicians in attendance. Children's Bureau, *op. cit.*, p. 160.

before the birth takes place. They also instruct the mother in the sanitation of infancy and the home in general. An increasing number of births is now taking place in hospitals. With the declining birth rate there has been sufficient alarm about infant and maternal mortality for some of the states to take cognizance of it for prudential, as well as humanitarian, reasons. Thus while this country has not yet resorted to permanent symbolization of motherhood in the form of personal adornment, as has been advocated in England,⁴⁷ some states require that a county general hospital must accept any delivery case offered to it, irrespective of the question of indigency.

Public Health Nursing

The public health nurse probably makes more contacts with citizens than any other person in public health service. There is hardly a public health activity with which she is not directly concerned. It is she who actually goes into the homes of the people. There she tells prospective mothers how to prepare for childbirth. She shows those unable to afford a nurse how to care for the sick in the home. Yet public health nursing is not a service to indigents only. It also provides an inexpensive means whereby those able to pay can have a nurse in constant attendance where needed.⁴⁸ She is constantly on the lookout for people with contagious diseases, seeing that they are properly reported. The public health nurse also visits the schools in her district. She attends the doctors in the clinics; she delivers lectures and participates in educational conferences and actually makes demonstrations of such things as how properly to care for a baby. She also carries on the minor ministrations of drugs and medicine commonly associated with nursing work. In short, the public health nurse does everything which nurses are commonly required to do, and in addition is somewhat of a social worker, family counsellor, and purveyor of practical wisdom.

The public health nurse has been called by some "the link between the laboratory and the fireside." Still others have char-

⁴⁷ Jewelers there have suggested that maternity rings, corresponding to the engagement and wedding rings, be worn by all mothers.

⁴⁸ C.E. A. Winslow, "Nurses Show the Way," *Survey Graphic* (April, 1934), Vol. XXIII, p. 159.

acterized her as the "enacting clause of the advancing sciences of medicine and public health."⁴⁹ In progressive jurisdictions professional education in public health, in addition to nursing training, is required of all public health nurses. In others adequate educational standards have not yet been adopted. The National Organization of Public Health Nurses is conducting an active campaign to raise standards throughout the country to the point where specific academic preparation will be universally required of public health nurses.⁵⁰

Public Preventive Sanitation

In many respects the sanitary inspector is to health administration what the infantry is to the army. He personally inspects a wide variety of premises and areas offering public health hazards.⁵¹ In the large communities he is a specialist, while in the smaller cities one inspector must cover all types of activity. While a sanitary inspector is in effect a specialized police officer having the power to enforce the laws and ordinances governing sanitation, the trained and experienced worker today relies largely on educational methods. It is his duty to look after the cleanliness of places where food is sold and served. He sees that the building laws relative to the health aspect of buildings and houses are observed. He is responsible for the care of dogs suspected of having rabies. It is his duty to detect the unlawful construction and maintenance of cesspools and other toilet facilities. In fact, it would require an encyclopedia to list the duties of the sanitary inspector.⁵²

The personnel of sanitary administration in the health departments has been vastly inferior to the tremendous responsibilities of the position. It has usually been politically appointed and untrained. A general sanitary inspector should have a technical

⁴⁹ *Ibid.*, pp. 156-159.

⁵⁰ See Marian G. Randall, *Personnel Policies in Public Health Nursing* (The Macmillan Co., New York, 1937), 170 pp. Also Pearl McIver, *Public Health Nursing* (U. S. Public Health Service, Government Printing Office, Washington, D. C., 1937), p. 12.

⁵¹ See W. H. Larkin, "Projection of Public Health Engineering in New York State," *American Journal of Public Health* (November, 1938), Vol. XXVIII, pp. 1285-1290.

⁵² Grace L. Loye, *The Sanitarian and His Duties* (Edwards Bros., Inc., Ann Arbor, Michigan, 1937), 200 pp.

training and background involving chemistry, entomology, bacteriology, epidemiology, building construction, plumbing, and law. Happily, these needs are now being met with the establishment of training courses on a nation-wide scale.⁵³

The sanitary activities of a health department require the delegation of rather widespread powers over private property and rights. A health menace is something which is immediately present and urgent, sometimes requiring the summary destruction of property. Thus the United States Supreme Court has upheld the Chicago authorities when they destroyed vast quantities of contaminated food without a previous court order.⁵⁴ In fact the attitude of the courts in upholding the legal powers granted to public health officers has been a rather liberal one. The refusal of dairymen to have their cattle tuberculin tested has resulted in summary quarantine by the health authorities.⁵⁵ Officials have been upheld when ordering the renovation of hotel buildings which provided too little light or air.⁵⁶ Moreover, any activity which is likely to pollute a domestic water supply, such as operating a swimming pool near the source of supply, can be halted by the health department.⁵⁷

Certain phases of sanitation which might ordinarily be considered public health activities are usually found in the public works and engineering departments. These are street cleaning, refuse collection, sewage disposal and sometimes water supply. Because their background is dominantly of an engineering nature, the practice of placing them under public works rather than public health is quite universally accepted. These activities will be treated in later chapters.

Public Health Standards

The Committee on Administrative Practice of the American Public Health Association has given much thought to proper standards for public health practice. For many years specialists

⁵³ W. S. Mangold, "Training Sanitary Inspectors," *American Journal of Public Health* (April, 1935), Vol. 25, p. 449.

⁵⁴ *North American Cold Storage Co. v. Chicago*, 211 U. S. 306, 29 Sup. Ct. 101 (1908).

⁵⁵ *People v. Teuscher*, 248 N. Y. 454, 162 N. E. 484 (1928).

⁵⁶ *Daniels v. City of Portland*, 124 Ore. 677, 265 Pac. 790 (1928).

⁵⁷ *Newton v. City of Groesbeck*, Tex. Civ. App., 1927, 299 S. W. 518 (1927).

have been engaged to make surveys of local public health situations. These were usually general surveys, during the course of which the specialist would come to the local scene, gather his data, and make a report. The conclusions were valuable as being the reasoned judgment of experienced persons. However, as time went on, it appeared more and more desirable that the persons doing this type of work pool their experiences and ascertain whether or not an agreement could be reached upon standards of administration. The result was the appraisal form prepared by the Committee on Administrative Practice of the American Public Health Association. This appraisal form was first published in 1925 and is now in its fifth edition.⁵⁸ It is said to represent the practice attained by 25 per cent of the cities of the United States.

In the schedule of the Appraisal Form for Local Health Work the major health activities of a health department are divided into ten divisions. A weighting factor given to each of these divisions indicates its relative importance in the local health program. With infant and pre-school hygiene heading the list, the weights are as follows:⁵⁹

Activity	Weight
Infant and preschool hygiene	170
Communicable disease control	160
School hygiene	140
Maternity hygiene	90
Syphilis and gonorrhea control	90
Tuberculosis control	90
General sanitation	90
Food and milk control	80
Vital statistics	40
Bonus for balanced program	50
<hr/>	
Total weighted score	1,000
<hr/>	

Each activity is assigned a possible 100 percentile points and then broken down into its component parts, each part receiving a share of the 100 points. To obtain the actual score of a particular

⁵⁸ The originally separate City and Rural Appraisal Forms were combined in 1938 into the single publication, *Appraisal Form for Local Health Work*. This is the first edition of the new series. Committee on Administrative Practice, American Public Health Association, *Appraisal Form for Local Health Work* (American Public Health Association, New York, 1938), 185 pp.

⁵⁹ *Ibid.*, p. 178.

activity in a given city the appraisers determine how nearly 100, or entirely adequate, is the work of the health department in this activity. The figure at which they arrive is then multiplied by the weighting factor, the resulting product being the actual weighted score. For example, should the percentile score for tuberculosis control be determined by the appraisers to be .80 (80 points out of 100, or 80 per cent adequate), the weighting factor for tuberculosis control being 90, the true score for tuberculosis would be $.80 \times 90$ or 72 (see Figure 32). The weighted or actual score

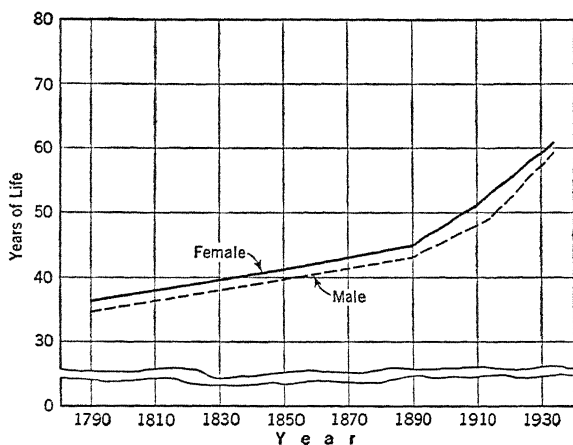


Figure 32. Trend in the Expectation of Life at Birth, Males and Females, Massachusetts, 1790-1930

(From United States Public Health Service, *Public Health Reports*, December 3, 1937, Vol. 52, p. 1758.)

for tuberculosis thus obtained is added to similarly attained scores for all the other nine activities to make up the total health score of the municipality.

The appraisal form has been criticized because it takes into consideration only facilities and procedures. It is said that because it deals with practices and not results, a city can make nominal showings which do not represent its intrinsic accomplishments. The appraisal form, for example, gives a certain number of points for the percentage of nursing visits conducted to actual cases. Critics of the form claim that in an effort to

achieve a high rating, a department can make these visits purely nominal, such as ringing a doorbell where it is fairly certain that the family will not be at home. The critics claim that this variation between actual results and nominal or formal scoring can serve actually to distort the results of the form. Nevertheless studies of the validity of the form have been conducted with assuring results. It has been found to be not only valid but reliable and objective as well.⁶⁰ Moreover, the committee which is responsible for the form is continually seeking proof that the

Appraisal Schedule			
TUBERCULOSIS			
	Possible Points	Points Earned	Weighted Score
1. Reporting and Registration...	15	11	Weighting Factor for Tuberculosis, 90, multiplied by Appraisers' estimate, .80 equals 90 X .80, or 72.
2. Clinical Service	25	19	
3. Field Nursing Service	25	21	
4. Institutional Care	25	21	
5. Laboratory Service	5	4	
6. Community Health Instruction	5	4	
	<hr/> 100	<hr/> 80	
	<hr/> <hr/>	<hr/> <hr/>	

Figure 33. Table Showing the Breakdown of a Major Health Activity into Its Component Parts, and the Number of Points Assigned to Each, together with the raw and weighted scores of a hypothetical city.

(From Committee on Administrative Practice, American Public Health Association, *op. cit.*, pp. 79-93.)

services which the form measures are truly indicative of the adequacy of health work in a community.⁶¹

The appraisal form does not attempt to measure the efficiency of a health department's work. Criticism of the form comes from those who fail to realize that adequacy of program, which the form does measure, and efficiency of activities are distinct

⁶⁰ Philip S. Platt, *The Validity of the Appraisal Form As a Measure of Administrative Health Practice* (American Public Health Association, New York, 1938), pp. 53-63.

⁶¹ Clarence E. Ridley and Herbert A. Simon, "Measuring Public Health Work," *Public Management* (September, 1937), Vol. XIX, p. 273.

criteria.⁶² If efficiency is to be measured, the costs of the program must be considered and related to the death and sickness indices of those diseases which public health measures are supposed to prevent. In a similar manner mortality and morbidity rates for individual diseases should be compared to costs which have been broken down along functional lines.⁶³ Measures of efficiency may, thus, supplement the appraisal form, but should not replace it. Those who have had a part in formulating it are aware of the form's difficulties, but they continue to regard it sympathetically as a fair and accurate measure of a community's public health attainments.⁶⁴

There are those who believe that an accurate appraisal of the health of the community must go much beyond an inventory of the facilities and procedures employed by administrative agencies. An interesting article published recently by the Health Organization of the League of Nations proposes to add to the American type of appraisal form two other indices. These are indices of vitality and health and indices of environment. The first would include all the mortality statistics, population studies, and the statistics on suicides, alcoholism, and insanity, as well as examinations of the physical fitness of the people. The second addition would include such things as climate, distribution of wealth, cultural level, housing, nutrition, prostitution, density of population, and occupation.⁶⁵ Public health leaders in this country are now taking steps to broaden the base of public health measurement by developing some of these newer standards.⁶⁶

VITAL STATISTICS. It is sometimes suggested that the best indices of the public health of the community should be the mortality and morbidity rates. This is just another way of saying the death and sickness rate. The difficulty is that to be of comparative value these indices would have to be corrected and

⁶² *Ibid.*, p. 272.

⁶³ *Ibid.*, p. 273.

⁶⁴ Committee on Administrative Practice, *op. cit.*, pp. ix-x.

⁶⁵ K. Stouman and I. S. Falk, "Health Indices, a Study of Objectives, Indices of Health in Relation to Environment and Sanitation," *Quarterly Bulletin Health Organization of League of Nations*, Vol. V, 1936, pp. 901-1080.

⁶⁶ S. D. Collins and Clark Tibbits, *Research Memorandum on Social Aspects of Health in the Depression* (Social Science Research Council, New York, 1937), pp. 12-112.

weighted. Thus the national statistics show that California and Arizona have death rates higher than such states as North Dakota or New Jersey.⁶⁷ An examination into the character of the population will probably indicate that California has a rather high percentage of aged persons who have come there specifically for the advantages of climate. It probably will also be shown that Arizona has a large number of persons afflicted with respiratory diseases. Any comparative death rate for Arizona and New Mexico should also take into account high morbidity factors in the Mexican and Indian populations. It is also well known that mortality among southern Negroes is much higher than among the white population.⁶⁸ Infant mortality figures, for example, show that in Oklahoma the death rate for babies under one year of age is 119 per cent more among the colored than among the white population. In Maryland it is 87.4 per cent greater, and in Virginia 57.4 per cent greater.⁶⁹ The result is that the use of vital statistics as an index of health must be accompanied by corrective weights.

The United States Government gathers vital statistics through the Division of Vital Statistics of the Bureau of the Census in the Department of Commerce. There is usually a state registrar of vital statistics located in the state health department. Locally, vital statistics are gathered by the health department itself, although frequently the city clerk is the registrar in the smaller places. The chief problem in gathering vital statistics is to get cases reported. There is also the technical problem of getting the physicians to agree upon proper definition of the causes of death or sickness. The reporting of these statistics to the Federal Government is a voluntary matter. An incentive has been provided by the device of including or excluding a state from what is

⁶⁷ Death rate in Arizona is 16.1 per 1,000 population, and that of California 12.6, while North Dakota and New Jersey have death rates of 8.0 and 10.4. Department of Commerce, Bureau of Foreign and Domestic Commerce, *Statistical Abstract of the United States 1938* (Government Printing Office, Washington, D. C., 1939), p. 84.

⁶⁸ In 1933, death rate for colored persons in cities was 17.2, while that for whites was only 11.0. In rural areas the figures were 12.2 for colored and 9.6 for the whites. *Ibid.*, p. 87. See also Michael J. Bent and E. F. Greene, *Rural Negro Health* (Julius Rosenwald Fund, Nashville, Tennessee, 1937), 85 pp.

⁶⁹ Elizabeth C. Tandy, *Infant-Maternal Mortality Among Negroes* (United States Department of Labor, Children's Bureau, Government Printing Office, Washington, D. C., 1937), p. 11.

known as the "registration area," according to the completeness of its reports. The "registration area" is a term used to designate those states and territories which have attained a proficiency of at least ninety per cent in the reporting of vital statistics to federal authorities. Since 1933 all the states, as well as the District of Columbia, Hawaii, Puerto Rico, and the Virgin Islands, have been included within the death and birth registration areas.⁷⁰

A major difficulty in local reporting is that of getting attending physicians to report to the public authorities. Most states require by law that the attending physicians report deaths and cases of contagious diseases. However, it should be an administrative responsibility of the Bureau of Vital Statistics to maintain a constant co-operative contact with the medical profession and keep them always informed of their obligations in this respect.⁷¹

Public Health Education

It has been said that we could add ten years to the expectation of life of every newborn child if we could but get to the people the knowledge which science has given us.⁷² The dissemination of information about healthful living thus becomes one of the chief responsibilities of a public health department. There have been many elements of failure in the programs for health education which most health departments have thus far followed. Health education has failed to reach the great mass of common people; in spite of the immensity of the literature on the subject, information about health has failed at the point of distribution. Moreover, where health knowledge has reached the average man it has not been made available to him in such a way that he can understand it and make it a part of his living. For these reasons public health departments must give increasing attention to techniques for getting the health facts through to the people.

⁷⁰ Department of Commerce, Bureau of the Census, Division of Vital Statistics, *Mortality Statistics, 1935* (Government Printing Office, Washington, D. C., 1937), p. 3; Same author, *Births, Stillbirths and Infant Mortality Statistics 1935* (Government Printing Office, Washington, D. C., 1937), p. 3.

⁷¹ See Hiscock, *op. cit.*, pp. 56-73.

⁷² Louis I. Dublin and Homer N. Calver, "Health Education for the Millions," *American Journal of Public Health* (February, 1938), Vol. XXVIII, p. 117.

There is little agreement among health leaders as to what should be the proper methods of health education. Every known form of visual and auditory presentation is being given a trial, some of which are proving to be useful within their limitations.⁷³ The newspaper, the radio, the periodical bulletin, and the health talk have all been found to be productive. Much improvement in health education may be expected from the perfection of their use.⁷⁴

There are those, and their number is increasing, who feel that the answer to the need for a more penetrating type of health education lies in the visual techniques. One of these is the motion picture; another and perhaps a more important one is the modern museum or exhibit. People must not only see, they must handle and experience as well. The methods of the modern health exhibit, where permanent presentation of essential health facts in dramatic form is possible, fulfill this demand. The American Public Health Association has appointed the Committee on the American Museum of Hygiene, whose purpose it is to develop techniques for the visual presentation of medical knowledge in museums and permanent exhibits.⁷⁵ At the New York World's Fair in 1939 this committee sponsored a huge health exhibit which dramatically and forcefully presented to many millions of people the story of the physical man, his functions, his growth, and the principles of his care. In addition, this exhibit vividly demonstrated the most important of the current problems in medical science and public health administration.⁷⁶ A similar exhibit was on display at the same time in the San Francisco World's Fair.

Because the knowledge which science has given us has not been made available to the masses of people, disease continues to oppress and afflict us. Thus methods of public health education should become of increasing importance to the public health administration of the future.

⁷³ See Louise F. Bache, *Health Education in an American City* (Doubleday, Doran & Co., New York, 1934), 116 pp.

⁷⁴ See Hiscock, *op. cit.*, pp. 42-55; W. W. Bauer and T. G. Hull, *Health Education of the Public* (W. B. Saunders Co., Philadelphia, 1937), 227 pp.

⁷⁵ Dublin and Calver, *loc. cit.*, pp. 117-120.

⁷⁶ *Ibid.*, pp. 119-120.

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PART IV
PUBLIC WELFARE

CHAPTER XV

SOCIAL SERVICE ADMINISTRATION

Welfare Problems

GROWTH OF PUBLIC WELFARE ADMINISTRATION. Before 1930 public welfare in American cities was a relatively unimportant and often a badly administered activity of municipal government. Yet within a single decade it has become more important and more dynamic, perhaps, than any other one of the city's many functions. Large, active, and well-administered departments of public welfare today stand as eloquent monuments to the impact of the industrial depression upon urban civilization. The depression had thrown huge percentages of our population out of employment and onto the public welfare rolls. Their number was so great that the private welfare agencies, which had previously cared for the urban poor, were overwhelmed.¹ As the proportions achieved by unemployment mounted, it became increasingly clear that these agencies would soon be helpless in their efforts to cope with the problem. The result was that the instrumentalities of local government were called upon to shoulder the lion's share of the burden. Then in May of 1933 the Federal Government ordered that all federal funds which had been appropriated for relief be administered by public agencies.² These circumstances led quite naturally to the rapid creation and expansion of departments of public welfare in the municipal administrative

¹ It has been estimated that over one-third of the nation's people have at one time or another during the depression received public assistance. In November of 1934, for example, 18 per cent of the people of Michigan were on relief. The same was true of 23 per cent of the citizens of Massachusetts. Approximately 40 per cent of the people living in Michigan and New York in 1938 had been on public relief at one time or another since 1930. United States Senate, *Unemployment and Relief, Hearings Before a Special Committee to Investigate Unemployment and Relief of the United States Senate* (Government Printing Office, Washington, D. C., 1938), p. 667 ff.

² Public, Number 15, 73d Congress; *United States Statutes at Large*, Vol. 48, Part I, p. 55 ff.

structure. Not only did they become the largest factor in social work in every community, but also a much more important part of all city government.

No evidence of the new importance of public welfare is more striking than the phenomenal growth of municipal expenditures for that purpose. Almost as much was being spent for urban social work in the 1930's as was spent for all city government in the 1920's.³ As a matter of fact, the demand for welfare expenditures has frequently been so great that drastic economies in the

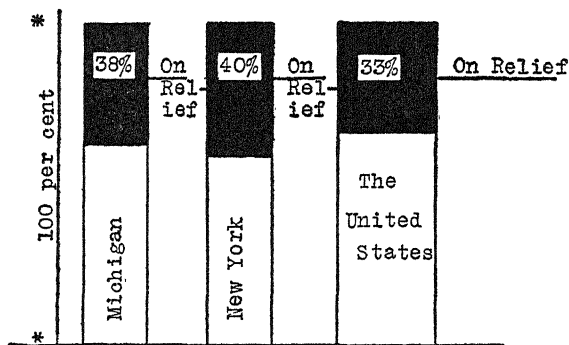


Figure 34. Estimated Per Cent of Persons on Relief at One Time or Another—During the Depression

(From United States Senate, *Special Committee to Investigate Unemployment and Relief*, pp. 664-672.)

older administrative services have had to be effected. In a number of cities this has gone to the extent of causing welfare expenditures to approach or exceed those of all other departments combined.⁴

³ In a recent study the Governmental Research Association found that relief costs in 1938 approached the costs of all city government in the 1920's. United States Senate, *op. cit.*, p. 1272. In St. Louis in 1936 welfare costs totaled an amount equal to the entire cost of city government in 1928. *Ibid.*, p. 1477. Welfare costs in Pittsburgh rose from six to thirty-six millions between 1927 and 1934, Philip S. Klein, *A Social Study of Pittsburgh* (Columbia University Press, New York, 1938), pp. 360-361. In Boston expenses rose from one million dollars in 1923 to thirty millions in 1936. United States Senate, *op. cit.*, p. 1272.

⁴ In 1932 welfare costs in Los Angeles County had reached 50 per cent of the total cost of county government. George W. Bemis, *Public Relief Administration in Los Angeles County* (Bureau of Governmental Research, University of California at Los Angeles, Los Angeles, 1938), mimeo., p. 88. In 1936 St. Louis spent only one-half of 1 per cent more for all activities other than welfare than for welfare alone. United States Senate, *op. cit.*, p. 1477.

Increased expenditures have not been the only evidence of the new status of public welfare. Less spectacular but perhaps more significant has been the fundamental change of attitude toward the problems of dependency which the American mind has experienced in the past several years. We no longer speak of the needy as paupers. Such individuals today are considered the unfortunate victims of circumstances over which they have no control, rather than as a shiftless lot who refuse or fail to look for work. Thus the public has come to feel that it is the government's duty to provide public assistance to those who need it.

In 1937 a nationally known magazine of business undertook to study the attitudes of the nation toward public welfare. It found that the nation as a whole believed those persons on relief to be deserving individuals; that they were on relief only because industry was unable to provide employment or because they were disabled or aged.⁵ Relief and social welfare, once the concern only of social workers and a few legislators, has become a vital problem to the entire nation. Moreover, recipients of public assistance, once a silent, helpless mass, no longer hang their heads in inarticulate apology. They have sought leadership and a voice in order that they may be heard and their demands given consideration. The Workers' Alliance is an organization of relievers and unemployed, established for the purpose of making articulate the cause of the man on relief.⁶

There are those who feel that the foregoing evidences of the growth and development of public welfare forebode its permanent existence as a major governmental problem. Since 1932 nearly every state in the Union has either written new public welfare laws or revised old ones to the end that the newly acquired importance of the welfare function be embodied in law. These state laws compel the municipalities to administer public social work in accordance with modern practice.⁷ Federal social security legislation on behalf of the states and cities further marks the permanence of government's place in social welfare.

⁵ Unsigned, "Unemployment," *Fortune Magazine* (October, 1937), Vol. XVI, pp. 99-107, 188-197.

⁶ United States Senate, *op. cit.*, p. 1023.

⁷ Works Progress Administration, *Legislative Trends in Public Relief and Assistance* (Washington, D. C., 1938), pp. 5-19.

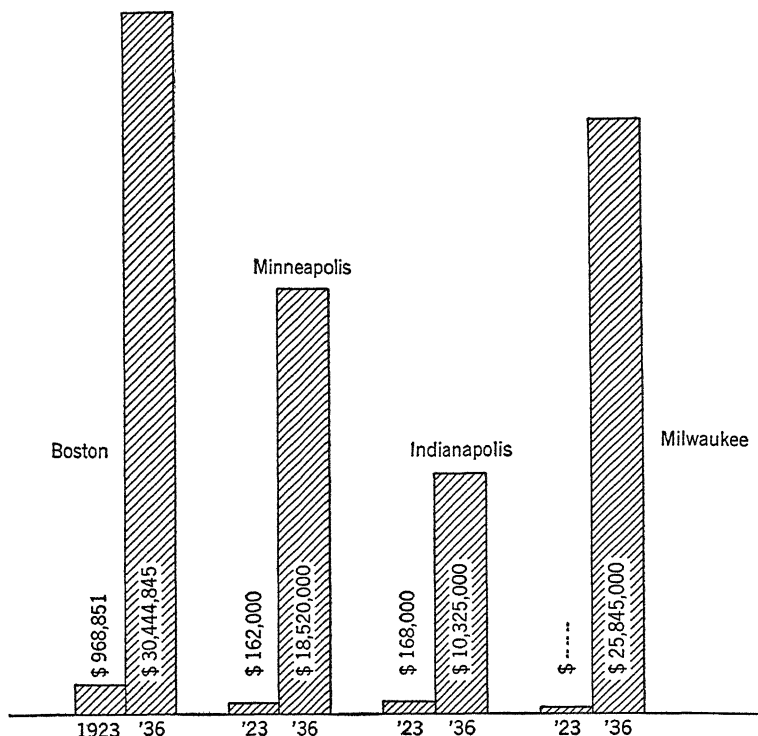


Figure 35. Growth of Relief Costs in Four Cities, 1923 as compared with 1936
 (From United States Senate, *Special Committee to Investigate Unemployment and Relief*, p. 1272.)

Destitution itself, many believe, has become permanent. Each year an unemployed army of from seven to ten millions is reinforced by 500,000 young persons who enter the labor market for the first time.⁸ Hundreds of thousands now on relief rolls will never be self-supporting, due to physical or mental disability. It has been estimated that over one-half of all persons now on general relief will never be able to go back to work, even should they get the opportunity.⁹ Industrial ability to absorb the nation's

⁸ Works Progress Administration, *A Survey of Relief and Security Programs* (Washington, D. C., 1938), pp. 70-78.

⁹ Herman M. Somers, "Ten Delusions in Need of Relief," *Public Management* (June, 1938), Vol. XX, p. 163.

workers is becoming increasingly limited by business conditions and technological advance. Thus the inability of industry to make room for a constantly growing group of unemployed, plus the totally dependent nature of the unemployable class, would seem to indicate that welfare has become a permanent public function. As such it is well that consideration be given to the principles of public welfare administration.

RESPONSIBILITY FOR SOCIAL WELFARE. Relief of the poor has been traditionally a local responsibility in the United States. The Federal Government has never entered into direct relief of the indigent on a nation-wide scale until 1932. Few thought that the industrial depression which began in the fall of 1929 would have such long and serious effects. The idea that prosperity was "just around the corner" undoubtedly remained the hope of the great part of the citizenry, in addition to being the slogan of conservatives. As the depression lengthened and deepened, however, it became increasingly evident that the municipalities and counties were unable to bear the back-breaking load. It was thus an historic event when the Hoover Administration authorized the loan of Reconstruction Finance Corporation funds to the states for purposes of direct relief in the month of July in the year of 1932.¹⁰ The fact that this was considered a purely emergency and temporary matter was indicated in the proviso that these grants were to be offsets against federal grants-in-aid for highway purposes in the years to come. Subsequent experience has shown, however, that this was a first step from which perhaps there can be no retreat.

After inaugurating a huge Public Works program, the initial relief effort of the Roosevelt Administration was the establishment of the Civil Works Administration, whose purpose was to put all able-bodied unemployed to work on public construction jobs. This was soon followed by the Federal Emergency Relief Administration, a gigantic spending program which administered direct relief through the localities. Then in 1935 and 1936 the Works Progress Administration was launched. The purpose

¹⁰ Public Number 302, 72d Congress; *United States Statutes at Large*, Vol. 47, Part I, p. 709 ff.

of this agency was to combine all the welfare activities of the Federal Government into a single work relief program, whereby all the employable unemployed would be set to work on worthwhile public projects. In return they would receive a living wage.

Care should be taken not to confuse W.P.A. with P.W.A., or Public Works Administration. The latter, while aiding in the relief program by putting men to work, is primarily concerned with the financing of large-scale construction projects having permanent or lasting value, such as schools, bridges, hospitals, and civic auditoriums. Its projects are administered by local municipal and county officials rather than by field representatives of a national administration, and actual work is performed by private firms under contract to the local government.

In 1939, W.P.A. remained the chief agency through which the Federal Government administered relief. From its inception, however, it had not been able to care for all the unemployed who were willing and able to work. Neither was it meeting any of the needs of great numbers of the unemployed who were unable to work, due to physical or mental disability. All these persons have had to be provided for by the local governments. Thus today the responsibility for persons dependent on public aid is divided substantially as follows. As many of the nation's unemployed as Congressional appropriations will provide for are supported by the W.P.A. work relief program. Those unemployed employables who cannot secure W.P.A. jobs plus all the unemployables are the responsibility of local governments. Persons on direct local relief who are willing and able to work must remain on the local welfare rolls until vacancies in W.P.A. jobs make it possible to "certify" them to the federal agency.

Federal relief measures have been consistently regarded as emergency programs, to be curtailed or discontinued with the passing of each crisis. The mirage of returning all relief to local authorities has seemed continually to haunt the congressional mind. Yet current trends and the forces behind them would indicate that it will be many years before such a return can be accomplished. With the return of at least a modicum of prosperity in 1935 and 1936, the Roosevelt Administration had attempted the long-promised efforts to balance the national budget. Thus the

Federal Government not only withdrew from all direct relief, but seriously curtailed its work-relief program as well. There followed in 1937 and 1938 a recession of business activity which brought the unemployed back upon local relief in overwhelming numbers. States and municipalities, having been bound by the rigid revenue limitation of the general property tax, had not provided sufficient budget funds even for the expected lower relief rolls of 1937. Consequently when the unexpected multiplication of relief cases developed, municipal resources were overwhelmed. In a number of eastern cities the entire budget was exhausted months before the end of the fiscal year.

In the city of Cincinnati, where the welfare load was turned entirely over to the municipal authorities, adequate relief was provided and the city continued solvent.¹¹ Other cities were not so fortunate. Chicago, for example, had in 1938 exhausted her relief funds three months before the end of the fiscal year.¹² This forced the governor to call a special session of the state legislature to provide for further needs.¹³ Moreover, from some time before the governor called the special session until after it had enacted an appropriation bill, the Chicago relief stations were closed.¹⁴ In Cleveland the month of May found the city without relief funds, and the same situation soon existed in Dayton, Toledo, and Columbus.¹⁵ The over-all effect on fifty-eight cities of 100,000 or more population was that they had to meet a direct relief increase of 17 per cent with resources that had been slashed to the minimum.¹⁶ The result was that the whole issue of the responsibility for the support of public welfare was brought squarely to the fore.

That the municipalities can no longer bear the lion's share of the welfare burden has been conclusively demonstrated. The problem of dependency, moreover, has become a national problem, both in nature and in extent. There is general agreement

¹¹ Ellery F. Reed, "What Turning Relief Back to the Local Community Meant in Cincinnati," *Social Service Review* (March, 1938), Vol. XII, pp. 1-20.

¹² Unsigned, "The Social Front," *Survey* (April, 1938), Vol. 74, p. 114.

¹³ Unsigned, "Notes and Comment," *Social Service Review* (March, 1938), Vol. XII, p. 129.

¹⁴ Unsigned, "The Common Welfare," *Survey* (June, 1938), Vol. 74, p. 206.

¹⁵ *Ibid.*, p. 206.

¹⁶ Gertrude E. Springer, "This Business of Relief," *Survey* (February, 1938), Vol. 74, p. 36.

that the states and the Federal Government in particular must permanently assume the major rôle in the support of public welfare.¹⁷ Controversy enters when the attempt is made to determine the proportions of the burden that are to be borne by each level of government, and as to the share of administrative responsibility which each is to have.

It is the belief of many that the Federal Government should assume responsibility for the care of all employable persons who are in need of relief, leaving only the unemployables for the states and localities. This has been the attitude adopted by the United States Conference of Mayors.¹⁸ Others feel that the Federal Administration's responsibility goes even further; that some share of the direct relief burden as well must be borne by the National Government.

The Community Mobilization for Human Needs group, a national organization of community chests, has suggested that the Federal Government supply to the states and localities, on a matching basis, 75 per cent of the total costs of relief, leaving 25 per cent to be raised by the state and its municipalities.¹⁹ This organization further suggests that the states and localities be given freedom of choice in determining the manner in which they would spend the money received. There would be no W.P.A., and it would be up to the city itself to decide whether there would be a work relief program or only direct relief. The Federal Government would thus have no hand in the administration of its funds beyond the setting of broad standards. Others agree that the National Government should have as large a share in the financial burden as that suggested, but feel that it should have a consequent share in administration. Local determination and administration is subject to too many political pressures, they say. Past experience has shown that local relief administration has been responsible for wholesale violations of political morality.²⁰ Under the Federal Emergency Relief Administration, when local

¹⁷ Simeon E. Leland, "Federal, State and Local Relationships In Re Public Welfare," *Social Service Review* (September, 1933), Vol. VII, pp. 424-437.

¹⁸ Neville Miller, "The American City in Relation to W.P.A. and Direct Relief," *Social Service Review* (September, 1936), Vol. X, pp. 413-423.

¹⁹ United States Senate, *op. cit.*, p. 431 ff.

²⁰ Pierce Atwater, *Problems of Administration in Social Work* (McClain and Hedman, St. Paul, 1938, mimeo., p. 74.

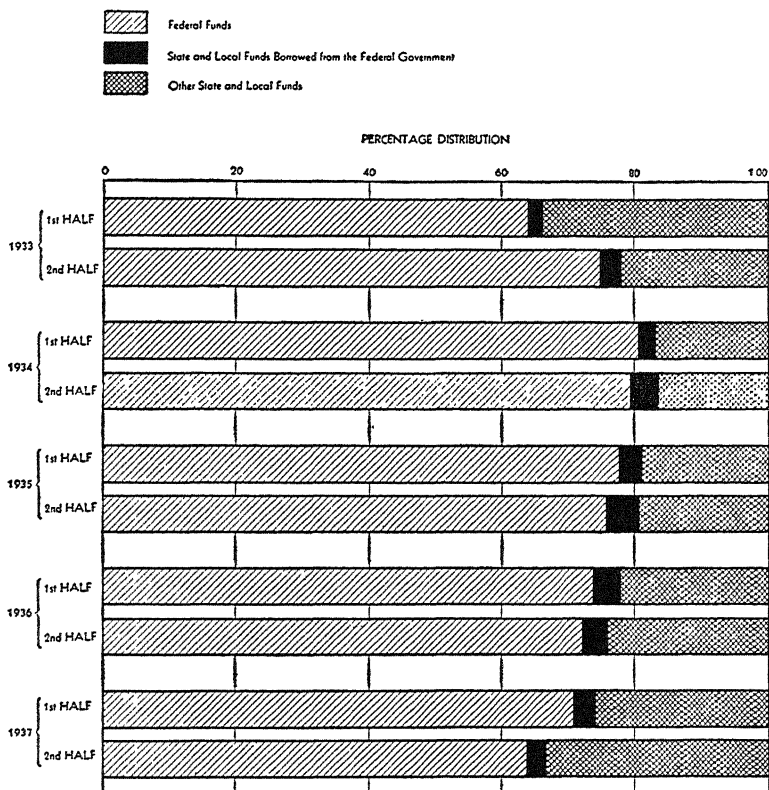


Figure 36. Total Costs of Relief, Public Assistance, Federal Works Programs and Emergency Public Works

Percentage distribution by source of funds.

(From Hearings Before a Special Committee to Investigate Unemployment and Relief, United States Senate, 75th Congress, 3rd Session, p. 1206.)

authorities had power to determine work projects, abuses soon arose.²¹ As a result, it is felt that a more economical and equitable administration of public funds would accrue if substantial administrative determination were left to the Federal Government. This is the view upheld by the Senate Committee on Unemployment and Relief.²²

²¹ *Ibid.*, p. 74 ff.

²² United States Senate, *op. cit.*, pp. 1379-1392.

No rule of thumb is available for determining the proper amounts of money to be expended by each level of government in the support of public welfare. Only when there has been a thorough study of needs and an equally thorough evaluation of available resources, national, state, and local, can an accurate judgment be given. The only safe generalization that can be made at present is that the entire problem is of such a nature that the Federal Government undoubtedly will be in the business of relief for an indefinite time to come. Recognition of the permanency of Federal relief responsibility was indicated in 1939 when the W.P.A. was included in the new Federal Works Agency. The name of the Works Progress Administration (W.P.A.) was changed to Works Projects Administration.

ORGANIZATION OF LOCAL RELIEF AND WELFARE AGENCIES. American public welfare agencies had been operated prior to the depression on the basis of English poor law principles, some of which went back for centuries.²³ The significant aspect of this situation was the essentially amateur nature of local welfare administration. The determination of need and dispensation of relief was largely in the hands of local part-time commissioners and volunteer workers. The last two or three decades, however, have seen the rise of professional social work, the nature of which will be discussed later. Suffice it to say that the growth of industrialism and urbanism, given impetus by the Industrial Revolution, created the need for the adaptation of the scientific method to the problem of indigency, as well as other fields of human activity. The answer has been social case work. The tremendous proportions achieved by these administrative activities since 1930 have made it necessary to do a great deal of thinking about the organization and administration of public welfare agencies.

At the present time one finds, in general, three types of organization in local public welfare. The first is that preferred by the social workers, namely, the citizen commission appointed for overlapping terms by the chief executive, frequently with the

²³ John L. Gillin, *Poor Relief Legislation in Iowa* (State Historical Society of Iowa, Iowa City, 1914), p. 5.

confirmation of the city council. This commission has a fairly wide sphere of powers delegated to it by law. However, it is usually subject to the same budget limitations as other municipal departments. It chooses a director of public welfare who is responsible to the commission for the administration and management of its activities. This type of organization is preferred by the social work profession largely because of the fact that prior to 1930 experience in social work has been largely through the private agencies. The new public welfare administrators had to be chosen from those whose backgrounds were obtained in private agencies. Not only were these people used to the board form of organization, but they had an inherited antipathy toward public administration. The result was that they came into public employment with a fear of the politician frequently out of proportion to the actualities of the case. Another reason for preference for the board is the fact that the original ventures in municipal welfare in Kansas City and Cleveland were headed by citizen boards.²⁴

The second type of public welfare agency is that wherein the chief executive or chief administrative officer of a city appoints a director who is responsible directly to him for the operation of the municipal public welfare department. This type of organization is exemplified by the City of New York, where the commissioner of public welfare is appointed by and directly responsible to the mayor. This is the type of organization which is favored by students of public administration, who disapprove of the multiple commission manner of organizing the municipal structure.²⁵

The third type of organization is a variation of the second in that the responsible appointive director is authorized to take the counsel of an advisory citizen board. In principle the director is not bound by the board's opinions in any way. In practical operation, an advisory board may have a tremendously influential impact upon the director's actions. This may come about by virtue

²⁴ George B. Mangold, *Organization for Social Welfare* (The Macmillan Co., New York, 1934), pp. 383-385.

²⁵ There are advocates of this type of organization in the welfare group. See Mangold, *op. cit.*, pp. 386-387.

of the personal influence of members of the advisory group. The director may deem it judicious to follow such advice, even though he believes it to be not in keeping with the dictates of good administration. On the other hand, the term "advisory board" is frequently used to veil what are actually administrative powers. There should be more discrimination exercised in the use of this term.²⁶

CO-ORDINATION OF PUBLIC AND PRIVATE AGENCIES. The gigantic proportions achieved by public welfare rolls in the last decade seem by comparison to dwarf the rôle of the private agency. This is a most pressing problem by virtue of the fact that in all sections of the country those who traditionally support private charitable organizations are beginning to ask whether there is any longer need for them. In most cities the principal private agencies are members of and supported by what is known as a community fund or chest. This organization is in reality a federation of as many as fifty different charitable projects. It is headed by a board of trustees which appoints a professional director. These persons have usually been highly qualified and well-paid executives. It has been the principal task of the central office to conduct an annual drive for funds.

The purpose of joint action has been to relieve the citizen of irritation in connection with the numerous requests for support. One request and one contribution would be the extent of the demands made upon him. Furthermore, he would be assured that his money would go to worthwhile ventures, the presumption being that only worthy organizations would participate in the community fund. Joint action also relieves the small agencies of the burden of soliciting their own funds. The lengthening and the apparent semi-permanence of the depression of the 1930's has made it increasingly difficult to raise adequate funds in these community chest drives. This is one of the main factors in the efforts to survey and appraise the mutual boundaries of private and public welfare activities under current conditions.

²⁶ See Rose S. Porter, *Organization and Administration of Public Relief Agencies* (Family Welfare Association of America, New York, 1931), 59 pp.; also A. C. Millspaugh, *Public Welfare Organization* (Brookings Institution, Washington, D. C., 1935), 700 pp.

There are two kinds of need with which social work is concerned. One of these is economic need; the other is social or personal need. The second includes such factors as family conflicts, personality defects in individuals, maladjustments to the social group, and the like. It was economic need that was made so great by the depression years, and the force of circumstance, as has been seen, made its alleviation largely a problem for the public agencies.²⁷ Private welfare, therefore, has directed its activities toward the consideration of personal and social needs. The technique which it has developed for aiding individuals with these needs is called social case work. It is just at this point, however, that controversy has recently arisen. As the public agencies grew in size and in the range of their activities, they attempted to practice the functions of personalized social case work.

Many social workers, and others more directly concerned with the taxpayers' interests, have protested against this sort of work on the part of public agencies.²⁸ They say it is not within the province of government to rehabilitate the personal lives of individuals. In other words, public agencies should administer economic relief and leave social case work to private philanthropy. Public welfare workers retort that it is useless to solve a family's economic problem without consideration of the social relations involved. If the father is an habitual drunkard, he must be ministered to personally as well as economically, or the relief money will benefit only the barkeepers.

For some time to come it is inevitable that public and private agencies will give services side by side. Probably the public's share will increase in size and comprehensiveness. The private agencies' share will become more intensive and specialized. In general, it is felt that the burden of economic relief should fall upon the public agencies. In other words, public welfare should care for all cases where the capacity for self-support does not exist. Private welfare, on the other hand, will find its legitimate field of activity in matters of the personal rehabilitation of individuals who have become socially maladjusted, either at home or

²⁷ Less than 5 per cent of economic relief in the nation is supported by private agencies. United States Senate, *op. cit.*, p. 432.

²⁸ Klein, *op. cit.*, p. 605; United States Senate, *op. cit.*, p. 431.

in their social contacts. It should be the further province of private agencies to experiment with and perfect new techniques in the field of social case work. Both types of agencies should work together in planning long range programs for community welfare.

Policies in Public Social Work

WHAT IS SOCIAL CASE WORK? Social case work is the scientific approach to the problem of dealing with people who are maladjusted. In a preceding paragraph it was said that public agencies, in the opinion of many, should not engage in case work. The problems of delinquency, mental and physical impairment, domestic relations, social incapacity, and other instances of pathology can be best dealt with, it is felt, by private social workers. Nevertheless, there is a growing school of thought which holds that public welfare may utilize to advantage the techniques and scientific procedures which have been developed by private agencies. In fact many of the better administered public agencies do actually use social case work procedures.

Social case work is based upon what the research worker calls the "case method." The worker actually visits and interviews the person who is the subject of the case. The trained worker is presumed to be skilled in interviewing, so as to bring out the pertinent facts and information. The results of the interview are written up and constitute the basis for the case record. Other sources of information relative to the case are also run down by correspondence and conversation with other parties. Upon the basis of this record the skilled social case worker is expected to make an analysis of the needs.

Much controversy surrounds the question of how many such cases an individual case worker should supervise. Workers are expected to keep in constant contact with their "clients" so that they may know intimately at all times what the situation is relative to the case. Fairly convincing arguments can be advanced in favor of a low case load, as few as sixty or seventy per worker. The principal contention in favor of such a number is that good case work is economical. If it is well done, "chiseling" will be detected readily and dealt with accordingly.

In a recent experiment the city of Cincinnati found that costs were actually reduced by a lowering of the case loads of the public social workers. Even though the case loads were relatively small, a reduction of from 118 to 108 cases per worker produced a net saving of \$8,700 per hundred cases. Moreover, the average time consumed in the closing of a case was reduced from eleven months to seven months.²⁹ Further reductions of case load would, it is felt, result in even greater savings. In 1932 the New York Temporary Emergency Relief Administration set 100 cases as the standard maximum load for a case worker administering relief.³⁰ The state of Pennsylvania, in 1934, effected a substantial saving in its relief costs by reducing cases from 158 to 85 per worker.³¹ The instances cited represent case load records which are lower than the average. There are very few public agencies where case loads run as low as 60 or 70. On the contrary, they may be found to go as high as 300 per case worker. This was the case during the depression in the city of Chicago. The median, perhaps, would fall somewhere between 100 and 200.

CASH RELIEF VS. RELIEF IN KIND. At the beginning of the depression many of the new public relief units gave relief in kind rather than in cash. Where this was practiced the city would set up warehouses, buy food in huge lots, and issue it to clients in weekly packages. There would also be periodical issues of clothing. In some instances grocery orders would be issued with which the client could purchase specified articles at officially designated groceries. There were several arguments in favor of this whole procedure. First, if the head of the family received cash, in a fairly large number of cases he would buy liquor and other nonessentials or gamble with it. Secondly, the amount available was so small that the proper nutrition values could not be purchased except through the standard grocery packages designated by the relief agency. In the third place, payment in kind was thought to be cheaper.

²⁹ Unsigned, "News of the Month," *Public Management* (December, 1937), Vol. XIX, p. 372.

³⁰ E. O. Lundberg, "The New York Temporary Emergency Relief Administration," *Social Service Review* (December, 1932), Vol. VI, pp. 545-566.

³¹ Arthur Dunham, "Pennsylvania and Unemployment Relief 1929-1934," *Social Service Review* (June, 1934), Vol. VIII, pp. 246-288.

The tendency more recently has been decidedly away from payment in kind and toward the cash method. There has, of course, been considerable distribution of surplus agricultural products to relief clients by the Surplus Commodities Corporation. Furthermore, relief clients have received clothing from the sewing projects of the Works Progress Administration. This distribution, however, has been in addition to the regular relief budgets, which have come to be paid almost entirely in cash.³²

The movement toward cash payment has been motivated very largely by the opinions of public welfare administrators and social workers. Payment in cash simplifies administration. It does away with the necessity for maintaining huge warehouses and distribution staffs for food, as well as the costs of writing requisitions, of checking bills against these requisitions, and other clerical details. In addition, the distribution of relief in kind, and especially the issuance of orders upon a grocery store, tends to give an undue sting to the acceptance of relief. The clients prefer to have the cash with which to go and meet the retailer upon the same basis as any other purchaser. The answer of social workers to those who claim that the money would be spent improvidently is that relief clients cannot be rehabilitated unless they are given an opportunity for self-reliance. The amount of money dissipated in unwise expenditure is said to be insignificant in proportion to the self-respect which clients achieve in handling the cash for themselves. Moreover, it is felt that the savings effected through reduced administrative costs more than offset the difference in costs per order, with the result that the gross costs of cash relief may be even less than for relief in kind.³³ For these reasons the trend today is overwhelmingly in favor of relief in cash rather than in kind.³⁴

DIRECT VS. WORK RELIEF. Recent years have seen the development of work relief to a rather extensive degree. By "work

³² Russell H. Kurtz, *The Public Assistance Worker* (Russell Sage Foundation, New York, 1938), pp. 76-81.

³³ Federal Emergency Relief in Ohio, *Emergency Relief in Ohio* (Columbus, 1936), pp. 155-157; Kurtz, *op. cit.*, p. 82.

³⁴ See Kurtz, *op. cit.*, pp. 76-85; also Dorothy Kahn, "Use of Cash, Orders for Goods, or Relief in Kind," *Proceedings of National Conference of Social Work* (The University of Chicago Press, Chicago, 1933), pp. 270-279; Federal Emergency Relief in Ohio, *op. cit.*, pp. 154-157.

relief" is meant the creation of work or jobs to be paid for by government funds. It is usually considered that this work should be of a nature which would not be normally undertaken for at least several years to come, probably not at all. The object of this is that work relief will not disrupt the current economic channels by displacing jobs which otherwise would be performed by private contract in the natural course of events. A familiar sight during the 1930's was for the motorist to go along a municipal highway and witness hundreds of workers constructing municipal streets, drains, and sewers. There were also the so-called "white-collar" projects designed to employ those with clerical experience and skills. Examples of these were surveys of housing needs and land use, the installation of new record systems, and the codification of ordinances.

The philosophy behind work relief is that it creates self-respect. The able-bodied person who is unemployed through no fault of his own gets a job where he renders a day's work for a day's pay. Theoretically he need not bow his head in shame, for he is a victim of circumstances beyond his control. He has offered his services to the market which has failed to absorb them, and the government has come to his rescue. The desirability of work relief as against direct relief is a question upon which it is extremely difficult to form a judgment.

Conservative opinion favors direct relief on the basis that it is less expensive. The sponsors of this view point to the fact that while the average cost of a case on direct relief lies between \$20 and \$35 per month, work-relief checks run from \$40 to \$100 per month per case.³⁵ The median will fall between \$60 and \$80 per month, depending on the locality.³⁶ At any rate, work-relief wages are on the average more than double the costs of direct relief. For this reason many feel that the support of a work-relief program places an excessive burden upon the taxpayers. It is the opinion of this group that direct relief dollars go further and should therefore constitute the bulk of the relief program.³⁷

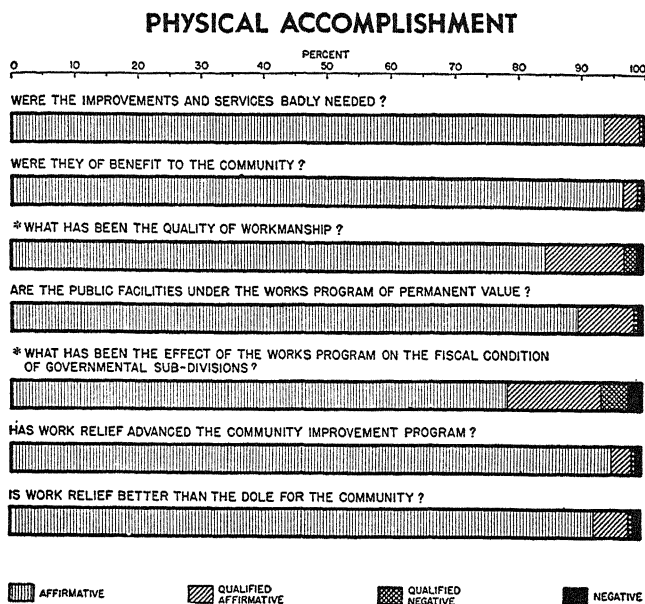
³⁵ United States Senate, *op. cit.*, pp. 1337-1378.

³⁶ In May, 1936, the W.P.A. reported that the average monthly cost of work relief in the nation was \$80 a case and of home relief \$33 a case. *New York Times*, May 15, 1936.

³⁷ United States Senate, *op. cit.*, p. 733.

It is further argued that inefficiency in work relief projects results in the waste of substantial amounts of money and materials.

There are, on the other hand, those who defend work relief with equal conviction. They point to the fact that the low average figure for direct relief is arrived at by averaging in those cases which are only partially supported by the relief agency. Furthermore, it has been said that direct relief in many instances has been so inadequate as to contribute directly to the complete demoralization of families.³⁸ When direct relief grants are raised to a



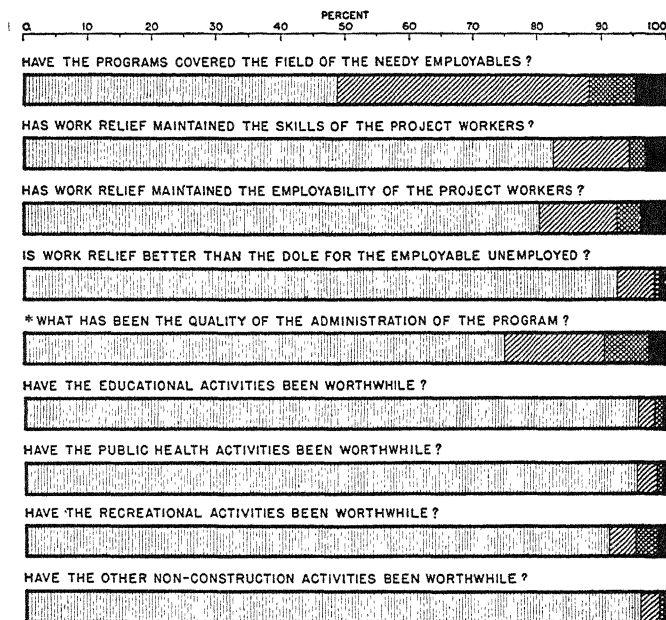
Physical accomplishments in the WPA work program include public buildings, highways, roads, streets and related facilities, airports and airway equipment, recreational facilities, water supply, sanitation and drainage systems, flood and erosion control, electric and communication utilities, grounds improvement, conservation activities and other tangible items grouped in the construction activities as weighed in the nation-wide survey made in the United States Community Improvement Appraisal. ¶

* In the case of this question, "affirmative" is to be regarded as meaning "good"; "qualified affirmative," "fairly good"; "qualified negative," "rather poor," and "negative," "poor."

Figure 37. Summary of Questions and Replies as Affecting Physical Accomplishments in the W.P.A. Work Program
(From *The American City*, June, 1939, Vol. 54, p. 76.)

³⁸ *Ibid.*, pp. 1337-1378.

HUMAN ACCOMPLISHMENT



Human accomplishments include the more intangible values developed or utilized by the non-construction activities of the WPA work program particularly in the field of education, public health and recreation and including sewing activities, school lunches, medical, dental and nursing care, art, library, historical projects and the like. Among these considerations was the question of how well human needs were met and the quality of the administration as weighed in the nation-wide survey made in the United States Community Improvement Appraisal.

Figure 38. Summary of Findings with Reference to Human Accomplishments as Weighed in Nation-Wide Survey
(From *The American City*, June, 1939, Vol. 54, p. 76.)

standard of adequacy, the saving over work relief is only 30 per cent.³⁹ This 30 per cent is spent under work relief for materials and equipment. It is claimed that the value received in terms of conservation of the morale and skills of the unemployed, plus the benefits to the community of the completed projects, far outweighs the cost.

Studies have been made of the alleged inefficiency of work relief. The Works Progress Administration, in 1937, in co-

³⁹ Harry L. Hopkins, "The W.P.A. Looks Forward," *Survey* (June, 1938), Vol. 74, p. 198.

operation with the trade unions, surveyed the problem of efficiency and came to the conclusion that work relief is 90 per cent effective.⁴⁰ In 1936 the Governor's Commission on Unemployment Relief in New York conducted a study in which it was determined that the over-all efficiency of work relief in that state was 74.8 per cent of what it ordinarily would have been under private contract.⁴¹ Mayor LaGuardia of New York City has estimated that the work-relief projects have a value of 100 per cent in quality and about 60 per cent in time efficiency.⁴² It must be remembered that the money for most work-relief projects does not vanish into thin air upon expenditure. There is left to the community a completed public work of definite value. It is the conclusion of many that even granting a 30 or 40 per cent loss in efficiency, this loss is exceeded by the costs of home relief, wherein the money does vanish into thin air. Thus it is felt that the work program is justified.

Public opinion, on the whole, has supported work relief as the American way of caring for the unemployed. The President has on several occasions reiterated his belief in its desirability. Early in 1938 the Senate authorized a committee to study the problems of unemployment and relief. It concluded that work relief should be retained.⁴³ The United States Conference of Mayors, in co-operation with the American Public Welfare Association, the National Recreation Association, and the National Education Association, made a survey of 9,000 counties, cities, and towns in 43 states to determine the popular attitude toward work relief. It was found that the people overwhelmingly approved of the granting of assistance through the work-relief medium.⁴⁴ As a result, it is probable that in spite of the opposition of conservatives and a number of social workers, work relief

⁴⁰ United States Senate, *op. cit.*, p. 1342.

⁴¹ The Commission asked a group of engineers to survey the projects. The engineers found that 95.5 per cent of them were worth while and desirable, and that 96.8 per cent were fitted to their community's plan of development. Governor's Commission on Unemployment Relief, *Work Relief in the State of New York, a Review of Its Characteristics, Functioning and Value* (State of New York, Albany, 1936), 113 pp.

⁴² Unsigned, "Notes and Comments," *Social Service Review* (June, 1938), Vol. XII, p. 331.

⁴³ United States Senate, *op. cit.*, pp. 1379-1392.

⁴⁴ Hopkins, *op. cit.*, p. 196.

will remain the predominant method of giving relief to the unemployed.

THE CATEGORIES CONTROVERSY. Much controversy centers around the problem of categories in the administration of public welfare. Categories are arbitrary divisions of dependent persons into several classes, such as the aged, dependent children, and the blind. Administration by category, which is most common today, means the special treatment of special groups. The social workers as a whole are opposed to categories. They would prefer that the entire welfare load be generalized, that no legal or formal difference should exist between the dependent child and the dependent aged person or the man on relief. They would have generalized case loads in order that the same social worker would be responsible for the rehabilitation of dependents, regardless of the source of their need. It is claimed that the categories are neither inclusive nor logical. Not all forms of human need can be set up into artificial categories, they say. The needy individual of 64 should not be denied relief while the healthy person of 65 is categorically eligible for aid. Those who argue for the abolition of the category further hold that generalized relief would simplify administration, make possible the setting of standards, and unify the entire attack of public welfare upon the problem of dependency.⁴⁵

The proponents of categories, however, fear the practicability of general welfare administration. They point out that if the welfare load is generalized, certain groups will be bound to suffer, that the legislative bodies will grant financial support to categories more readily than they will appropriate lump sums for general welfare. The first steps in the advance of welfare administration from the old poor relief standards came with the introduction of categories, and many feel that their abolition would be a reversion. Relief clients feel that there is less of a stigma placed upon categorical aids. The aged, for example, feel that they are deserving of being differentiated from those on poor relief. The categories are now embodied in local and state laws and in the Federal Social Security Act. It thus seems probable that they will remain an important factor for some time to come.

⁴⁵ Kurtz, *op. cit.*, pp. 35-38.

Problems of Administration

PROFESSIONALIZATION OF PERSONNEL. The great expansion of relief in the last decade has brought a demand for case workers which could not be satisfied from the ranks of those who were qualified and trained. The result has been that the movement for training social workers has acquired new momentum. This is evidenced in several developments, one of which is the rating of schools of social work. In order to acquire national standing today, institutions which claim to train social workers must have membership in the American Association of Schools of Social Work. Membership in the Association is subject to rigid qualifications which include the confinement of the school's efforts entirely to post-graduate instruction, and the requirement that the master's degree in social work be acquired in a curriculum extending over two academic years.⁴⁶

Another significant development is the attempt of the organized social workers to attain a professional status by requiring certification, or registration, of aspirants for social work. Certification is an accomplished fact among social workers themselves, for membership in the American Association of Social Workers is based upon definite qualifications. Legal support of these efforts, however, is in its infancy. There are two types of certification with which there have been experiments. The first of these is one patterned after the bar or medical association idea, wherein a state-wide association sets up standards for certifying social workers. A statute making mandatory the use of certified workers by public agencies is a necessary concomitant. The other method of certification consists in the practice of having the state welfare agency certify to the local agencies the names of qualified workers from whom they must choose their staffs. This is the method which was successfully used in Ohio during the emergency years.⁴⁷ Qualifications for certification generally demand a certain minimum of graduate study in an approved school of social work, plus experience, or graduation from college with

⁴⁶ F. Stuart Chapin and Stuart A. Queen, *Research Memorandum on Social Work in the Depression* (Social Science Research Council, New York, 1937), pp. 91-95.

⁴⁷ Emergency Relief Administration in Ohio, *op. cit.*, pp. 179-189.

courses in social work, plus experience, or an equivalent total of education and experience. In Ohio the certification program was deemed a success. Not only were standards raised throughout the state, but a great deal of the political pressure for appointments became abortive when the plan was inaugurated.⁴⁸

INTAKE. The crucial point in administering a public welfare load is perhaps the intake station. Every public welfare agency or district office should have a location where applicants for relief may come to state their case. The intake desk should be in charge of a trained and experienced worker of more than ordinary skill. It should be the responsibility of this person to make the most exhaustive investigation which can be made upon the premises, consistent with time and economy. Administrative arrangements should be sufficiently flexible to permit the intake office to authorize immediate emergency payment in those instances where need is extremely urgent. Such payments should be followed by the customary field investigation. Public welfare administration places great emphasis upon the importance of intake, for it is here that abuses can be detected and checked before they occur.⁴⁹

ADMINISTRATIVE COSTS. The administration of public relief is one instance where the percentage of administrative cost to the total expenditure may be misleading. The reason is that high administrative cost may be economy, because the provision of a superior type of personnel may lead to the purging of the relief rolls of those who are not entitled to aid. In other words, a few thousand dollars spent in costly administration may result in the elimination of tens of thousands of dollars spent for the relief of those who are not in need.⁵⁰

⁴⁸ *Ibid.* See also Walter M. West, "Registration or Certification of Social Workers," *Social Service Review* (December, 1932), Vol. VI, pp. 567-574.

⁴⁹ See Edith Dershimer, "An Intake and Service Department," *The Family* (May, 1936), Vol. XVII, p. 71; Almena Dawley, "Professional Skills Requisite to a Good Intake Service," *Proceedings of the National Conference of Social Work* (The University of Chicago Press, Chicago, 1937), pp. 255-265; C. E. Ridley and H. A. Simon, "Measuring Public Welfare Activities," *Public Management* (December, 1937), Vol. XIX, p. 366; Edward D. Lynde, "Problems in Administration of a Joint Plan of Family Case Work and Unemployment Relief," *Proceedings of the National Conference of Social Work* (The University of Chicago Press, Chicago, 1933), p. 263.

⁵⁰ State Emergency Welfare Relief Commission (Michigan), *Cost of Administration in the Emergency Relief Program* (State Emergency Welfare Relief Commission, Michigan, Lansing, 1935), pp. 3-9; Arthur Dunham, *op. cit.*, pp. 246-288.

POLITICS AND CHISELING. Public welfare administration has been habitually accused of being politically controlled. Even the administrators who entered public agencies during the 1930's, after a career in the private groups, held an antipathy toward public welfare that at times bordered on horror. For the most part, their fears have been unjustified, public welfare having achieved a high degree of administrative integrity. There have, however, been a few unfortunate circumstances. These have been almost invariably local situations which in no way reflect on the administration of relief in other parts of the country, or upon the over-all administration of W.P.A. Although not commonly understood, irregularities in the W.P.A. have been occasioned almost entirely by the local administrators.

Several Eastern and Midwestern states have been responsible for the dismissal of capable welfare executives with each change in political administration.⁵¹ In a large state on the Atlantic seaboard, the political authorities in 1938 caused the dismissal for political reasons of the secretary of the State Department of Public Assistance.⁵² At various times local administrations have been responsible for political actions falling short of consideration for the public interest.⁵³

A corollary to the accusation that politics has been rife in welfare administration is the one in which large percentages of those on relief have been called "chiselers." Several studies in various cities have been made to determine the extent of this alleged "chiseling," or the receiving of unwarranted relief. These cities employed commercial credit organizations to make gum-shoe investigations of the relief rolls. The consensus of opinion regarding the results of these studies has been that the investigations cost more than the resultant savings.⁵⁴ In Chicago the proportion of those on relief who were not in desperate need was 5 per cent.⁵⁵ In Toledo city officials reported a reduction in case

⁵¹ Unsigned, "Political Control of State Departments," *Social Service Review* (March, 1935), Vol. IX, p. 106.

⁵² Unsigned, "The Social Front," *Survey* (February, 1938), Vol. 74, p. 51.

⁵³ Atwater, *op. cit.*, pp. 65-84.

⁵⁴ Ralph E. Spear, "Lessons in Handling Welfare Problems," *Public Management* (January, 1938), Vol. XX, p. 4.

⁵⁵ Unsigned, "Notes and Comment," *Social Service Review* (March, 1938), Vol. XII, p. 128.

loads as a result of the investigation but said that it was impossible to declare any but a very few relief recipients "chiselers."⁵⁶

The Future of Public Welfare in the Cities

It is felt by many that the present methods of dealing with welfare problems in our cities are inadequate. Even should the proper relationships between the three levels of government be determined, the question would not be solved. The problem of dependency has become a permanent one. It cannot be met by the temporary, stop-gap methods of emergency origin. The mere provision of money to those in need after they have had to admit their need is no permanent solution. It is little more than locking the garage after the car has been stolen. A long-term constructive program is needed.

The city of Cincinnati has perhaps led the way in attempting to establish a permanent plan for the alleviation of dependency. There has been developed there a four-point program aimed particularly at the problem of unemployment. It includes (1) vocational guidance and training for young people, (2) retraining for older workers whose skills have become obsolete, (3) plans for the regularization of casual labor, and (4) plans for rehabilitating and caring for the unemployables.⁵⁷

Some feel that the extension of the principles of the Federal Social Security program would do much, especially for the problem of the permanently unemployables, such as the aged and the infirm. Others would establish a huge employment and training program requiring the co-operation of cities and states throughout the country. This would be organized as an integral part of the unemployment insurance program.⁵⁸ Still others have suggested that there be established huge public works programs on a non-relief basis to care for the unemployed. In some quarters it has been urged that the practice of setting the needy to work producing food and materials for themselves be greatly extended. That no one has a solution to the problem is generally agreed.

⁵⁶ Unsigned, "News of the Month," *Public Management* (October, 1937), Vol. XIX, pp. 312-313.

⁵⁷ C. M. Bookman, "A Community Program for Reducing Unemployment and Relief," *Social Service Review* (September, 1937), Vol. XI, pp. 360-371.

⁵⁸ United States Senate, *op. cit.*, pp. 1287-1292.

Perhaps a combination of all suggested programs must be achieved before there can be any real hope for the vast army of dependents.

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CHAPTER XVI

INSTITUTIONAL MANAGEMENT

It is customary for local governmental agencies to care for a considerable proportion of indigents in institutions. The traditional institution found almost everywhere is the poorhouse or almshouse. There is one in the neighborhood of practically every urban unit, frequently called a poor farm and operated by the county. This establishment, until recently, served as a catch-all for every type of dependency. The insane, the aged, the epileptic, tuberculars, orphan children, the indigent sick, and the chronically ill, all were cared for within its gates.¹ It was characterized by uniformly poor administration, and subjected constantly to charges of graft, corruption, politics, and inhuman treatment of inmates.² Recent years, however, have seen important changes in the character of the almshouse. Good welfare practice has made it largely a home for the aged and infirm, other types of dependents being sent elsewhere.³

Future of the Almshouse

With the development of the new social welfare programs it has been predicted that ultimately the almshouse will become depopulated. Those who see that far ahead base their predictions upon old-age security and pension legislation. They say that the universal adoption of benefit payments to the aged will make it no longer necessary for the old people to go to the poorhouse. Soon they will be able to live out their normal lives in their own homes, supported by a government pension. Most authorities feel that this prophecy is more optimistic than the facts justify. They say that the new legislation will undoubtedly cut heavily

¹ John L. Gillin, *Poverty and Dependency* (D. Appleton-Century Co., New York, 1937), pp. 178-203.

² United States Bureau of the Census, Special Report, *Paupers in Almshouses* (Government Printing Office, Washington, D. C., 1923), 8 pp.

³ Gillin, *op. cit.*, pp. 178-203.

into the almshouse populations, but that it cannot deplete them entirely.⁴ Many of the aged are not eligible for pensioning, while others are invalids in greater or less degree. These are in need of institutional care.⁵

The picture of the almshouse as a slowly withering institution is not altogether a true one. In some jurisdictions the past few years have seen new developments in the activities of the county poor farm. True, the aged population of these newer institutions has decreased, as in other almshouses, but their total population has increased. This is due to the fact that in these places the almshouse has become a new kind of hospital where the convalescent, the chronically ill, and the mentally ill, as well as the aged, are scientifically treated.⁶ The convalescent no longer uses needed bed space in the hospitals, nor dies from lack of post-operative or post-illness care. He goes to this changed almshouse where he is cared for by a competent medical staff until he has recovered and is discharged. Even children are now being admitted to such institutions. Here also come the chronically ill who cannot afford to go to a private rest home. Likewise, harmless insane patients and mental defectives who represent no problem of violence are being sent to the new county almshouse.⁷

The old catch-all almshouse is doomed. Either depopulation has rendered it a minor institution for the care of a few helpless aged, or it has taken on a new character with new functions and activities. Furthermore, its former functions have been taken over by special institutions. The tubercular, the violently insane, the epileptic, and dependent children are today being cared for in institutions designed to treat those particular kinds of dependency.

Newer Types of Institutions

THE GENERAL HOSPITAL. Practically every urban center today has a general hospital.⁸ As the term "general hospital"

⁴ *Ibid.*, pp. 251-275.

⁵ William E. Cole, *Almshouse Policies and Almshouse Care of the Indigent in Tennessee* (University of Tennessee, Knoxville, 1938), p. 76.

⁶ Rancho Los Amigos, the Los Angeles County institution, is one of these.

⁷ John M. Grimes, *Institutional Care of Mental Patients in the United States* (published by the author, Chicago, 1934), pp. 1-12.

⁸ New York City has a department of hospitals with twenty-six institutions under its jurisdiction. Nelle Williams, *Public Welfare Agencies and Hospitals* (American Public Welfare Association, Chicago, 1937), p. 13.

implies, this is a place equipped to care for all kinds of ailments and diseases. It is usually operated by city or county, although there are many general hospitals of a quasi-public nature. These are operated by a church or benevolent society, receiving some public funds in return for clinical and other services to indigents.

City and county general hospitals are maintained primarily to provide medical care for those who cannot afford to pay for private hospitalization and doctors' fees. In addition, they will usually care for any persons with acute communicable diseases, regardless of their financial status. Where the hospital has a psychopathic service, its facilities are also open to all citizens. The great bulk, however, of the work of a local government hospital is with the indigent class.

An exception to this general rule is the unique hospital arrangement of the city of Palo Alto, California, where every resident is entitled to a certain number of days of free hospitalization each year in the municipal hospital. In 1937, for example, the city paid over 20 per cent of all residents' bills for hospitalization. This plan is not based upon indigency at all, but is a frank recognition of a city's desire to shoulder the responsibility for the hospitalization of all classes of citizens.⁹

INSTITUTIONS FOR THE INSANE. Special dependent classes, such as the epileptic and the insane, have been traditionally cared for by the state governments. The tremendous increase, however, of insane persons in recent years has forced the cities and counties to assume responsibility for large numbers of these patients. This increase of the insane in virtually geometric proportions has created such a heavy administrative burden that the states have been unable to build insane hospitals fast enough to take care of the load. The result has been that local institutions have had to assume a part of this burden, even though they were not required to by law.

The manner of treating the mentally impaired has changed fundamentally within the last several years. The approach is no longer one of detention or isolation, but rather a therapeutic one.

⁹ Each resident is allowed \$2.50 a day for three weeks of hospitalization. See City of Palo Alto, *Annual Report*, year ending June 30, 1938. Also, Health Department, Palo Alto, California, *Annual Report, 1937*, 24 pp.

By this is meant that insane patients are treated scientifically by specially trained doctors who prescribe treatment according to the nature of the mental illness. The patients are considered, not as enemies of society to be locked up and guarded, but as sick individuals who have a right to medical care.

Wayne County, Michigan, which includes the city of Detroit, supports a large and important hospital for mental patients. The population ranges between 2,500 and 3,000, with a slight majority of male patients. Here the most recent developments in the care of the insane are employed by a competent staff of physicians, psychiatrists, and nurses.¹⁰ What Detroit and Wayne County have done many other cities are now doing. In 1934 there were seventy-six mental hospitals in local government units, and a larger number of psychopathic wards in general hospitals.¹¹

DEPENDENT CHILDREN. The prevailing tendency in caring for orphans and dependent children is to place them in foster homes. This gives rise to administrative problems that are not present in institutional care. Some of these are the proper selection of homes, qualifications of foster families, provisions for periodic inspection, and the establishment of minimum standards of care and maintenance. The utmost care must be exercised in choosing the foster home of the dependent child. Homes must be selected where the child is really wanted and not merely tolerated because he provides a source of income for the household. They must be selected on the basis of health, mentality, character, and ability to furnish moral training and adequate education for the child. Tragedy has often resulted from the failure of social agencies properly to investigate foster homes before placement.

Not only must the home be selected with care, but its supervision must also be thorough and frequent. The fundamental rights of the child must be assured, even to the extent of training foster parents in their duties. Supervision of the foster home should be done by trained social workers and investigators on

¹⁰ Wayne County Research Bureau, *Analysis and Survey of Eloise Hospital and Infirmary* (Wayne County Research Bureau, Detroit, 1933), mimeo., 61 pp.

¹¹ A. C. Millspaugh, *Public Welfare Organization* (Brookings Institution, Washington, D. C., 1935), p. 261 ff.

the basis of definite standards. These standards are an administrative responsibility of the municipal welfare department. It is upon their adequacy and the adherence to them that the well-being of a city's neglected children depends.¹²

JUVENILE DELINQUENTS. Another institutional responsibility of local government is found in that wide variety of institutions devoted to penology and the detention of delinquents. While the operation of prisons and jails is usually the responsibility of the local police, the housing and treatment of juvenile delinquents is coming to be recognized as a welfare responsibility. This is in line with the clinical approach to juvenile delinquency and the progressive trend toward making the juvenile court not a court at all but a clinic in social pathology. Thus, in progressive and enlightened jurisdictions the juvenile delinquents detained for trial or sentenced by the court are subjected to sympathetic treatment. They are not locked in cells and guarded by pugnacious-looking bullies with guns and clubs. Instead they are studied and counseled by psychiatrists, psychologists, physicians, social workers, teachers, and probation officers. The result is that a modern detention home or "reform school" becomes a treatment institution utilizing the best there is in medicine, surgery, psychiatry, psychology, social work, physical education, mental education, and character education.¹³

In New York City, for example, there was established in the police department a Bureau of Crime Prevention whose purposes were to secure more adequate social treatment for delinquent children, to find and remove environmental conditions making for crime, to organize constructive forces for crime prevention, and to instill in youth a respect for law and law-enforcement officers.¹⁴ Between ten and fifteen thousand cases were cared for each year by the Crime Prevention Bureau. Every case was considered individually. Hospitals, doctors, psychiatrists, and clinics were used to determine types and methods of treatment. Each

¹² Gillin, *op. cit.*, p. 375 ff.; Department of Public Welfare, City of New York, *Annual Report, 1936*, 152 pp.; *Annual Report, 1937*, 132 pp.

¹³ See Sheldon and Eleanor Glueck (Eds.), *Preventing Crime* (McGraw-Hill Book Co., Inc., New York, 1936), 509 pp., for a full treatment of this new movement throughout the United States.

¹⁴ *Ibid.*, pp. 215-236.

boy or girl was examined physically, mentally, his social background studied, his personal problems considered sympathetically. Every effort was made to make his time of detention a period of corrective treatment.¹⁵

Common Characteristics of Institutions

While there are many different kinds of institutions catering to a considerable variety of indigents, they all have certain uniform management problems. In the first place, they are residences, or dormitories, with the result that the problem of housing and structural maintenance looms particularly large. In the second place, all of these institutions provide a greater or less degree of medical care to patients. In general hospitals the medical aspect is dominant, while in almshouses caring only for the aged, the hospital aspect does not loom so large. In the third place, patients and inmates must be fed. Probably more charges of graft and corruption arise with reference to the purchase of food than in the case of any other institutional activity. In the fourth place, the problem of administrative personnel offers some very vexing aspects.

THE PROBLEM OF BUSINESS MANAGEMENT. What constitutes probably the foremost institutional management problem grows directly out of these four phases of management. It will be noted that with the exception of medical service, each one of the four items deals with activities which are dominantly of a business or management character. This has given rise on numerous occasions to a cleavage between the business management and the medical interests. The following set of circumstances is sufficiently typical of this situation to deserve enumeration here.

A local government unit will have a small hospital made up of probably fifty or a hundred beds, with a competent medical doctor in charge. The management and business aspect of the institution calls for no special or particular attention. The doctor personally hires and knows each individual employee. He sees

¹⁵ Under Mayor LaGuardia the name of this bureau has been changed to Bureau of Juvenile Aid. *Ibid.*, p. 215.

practically everyone every day and knows what is going on. As the city grows, however, the hospital must expand with it, and the administrative situation mushrooms out from under the doctor's ability to control it by his traditional methods. Soon there are several hundreds of beds, with a score of wards. No longer can the superintendent know intimately and personally what is going on at all times. Management must become impersonal, using the control devices of modern corporate management; but the doctor is not experienced in the use of these control devices, nor is he particularly interested. He is sincerely and justifiably devoting his major interest to the medical aspects of the operation of the hospital, while the evils of lax administrative control are allowed to take their own course.

Without tight administrative controls an institution is in danger of becoming dominated by the spirit of petty graft and thievery. Employees take home groceries and meat from the commissary and bed clothing or linens from the laundry. Those not authorized to do so eat at the institution dining room. Petty graft enters into the purchase of supplies. Nepotism and favoritism permeate the entire personnel policy. Not a few times have situations of this kind culminated in exposures which have placed sincere and competent medical men out of institutional managerial positions.

Modern hospital or institutional administration requires that business management have a status in hospital organization commensurate with its importance.¹⁶ In many places a lay business manager has been made superintendent of the hospital, thus placing him above the medical director in the organization structure. This does not necessarily lead to the conclusion that lay business managers should always be at the head of hospitals. The correct answer would seem to be to make the medical director supreme if and when a medical man with administrative ability and management interest can be found. In those situations where such an individual is not available, the only answer would seem to be the lay business manager. Some universities have now established schools for training young physicians and medical

¹⁶ See American College of Hospital Administrators, *The Hospital Administrator* (Physicians' Record Co., Chicago, 1935), 24 pp.

men in hospital administration, and this type of administrator will probably assume a dominant rôle in institutional management a couple of decades hence.¹⁷ The medical man who heads an institution would do well always to select a competent business manager and delegate to him the responsibility for all of the non-medical aspects of hospital administration.¹⁸

HOUSING AND STRUCTURAL MAINTENANCE. Among the first considerations with which the builders of a municipal hospital or institution are concerned is the selection of the site for that building. This selection should be based upon carefully planned specifications, some of which follow.

The site must be accessible to the public transportation and communication lines; it must be near the main lines of the public utilities, and must be properly elevated for good drainage. In addition, the site should be so selected that the hospital will be free from noise, smoke, and odors, so that a maximum of light and air may go to all parts of the building. The surrounding environment should be pleasant for the patients to look out upon. In a small community these considerations may often be secured by the selection of a site a short distance outside the town. In the larger cities, however, it may often be necessary to choose an urban site because of the factors of accessibility, availability, and utilities.¹⁹

The architectural design of the hospital building is important. Authorities agree that the type of construction best suited to modern needs is the so-called "block type." The city hospital must be conserving of ground space, must reach up rather than out for light and air, and must secure maximum service with a minimum of labor. To meet these needs, the block type of construction has been found most adequate. On the other hand, institutions which house semi-chronics, convalescent tuberculars, and the like may well utilize the one- or two-story or bungalow type of rambling construction. This is especially true of those

¹⁷ Michael M. Davis, "Some Experiences in the Education of Administrators," *Hospitals* (January, 1938), reprint, 6 pp.

¹⁸ Malcolm T. MacEachern, *Hospital Organization and Management* (Physicians' Record Company, Chicago, 1935), p. 99. See pp. 89-106 for detailed discussion of director's duties and problems.

¹⁹ *Ibid.*, pp. 56-58.

sections of the country where the climate is mild, making construction and heating costs low.²⁰

Reinforced concrete is recognized as the most satisfactory material for construction. Floors, however, should have a resilient covering of either cork, rubber, or linoleum. Furthermore, it is especially important that sound-proofing materials be used in walls and ceilings. Few things retard recovery as much as excessive noise, and few things are so destructive of employee efficiency as hard, nonresilient floors.

The hospital building must be planned in accordance with the various units of service. By this is meant that all the rooms for each specific function should be located together, but in such a way that they will be co-ordinated with every other function. Thus the dietary department, the administrative quarters, the patient wards and rooms, and the special services should be grouped separately, but so arranged that co-ordination of activities will be easy.²¹

Institutions are usually operated with a great deal of deferred maintenance. By this is meant that the managers defer the painting and repairs necessary to keep the structures in first-class physical condition. It is a first principle of management that buildings and plants deteriorate unless a certain amount of repair work is done each year. Well-run business enterprises make this a charge against operating expenses, setting aside a certain sum for such purposes each year. It is difficult to get governmental bodies to do this. Much maintenance work is of a nature that cannot be seen. Examples are the replacement of corroded water pipes, the repair of cesspools and sewers, the replacement of beams and rafters which have been weakened by termites. Governing bodies like to spend money for undertakings that will give a visual impression of something accomplished, particularly in their own districts. An institution can operate for many years before outwardly showing the effects of deferred maintenance to the average layman. The public should be aware of the fact that deferred maintenance is in effect like borrowing against the future. If the plants are not maintained currently, they are

²⁰ *Ibid.*, p. 59.

²¹ *Ibid.*, p. 62.

going to have to be replaced ultimately. Hence current maintenance is preventive action likely to save the taxpayer many dollars in the long run.

THE MEDICAL STAFF. The medical staff of a hospital consists of resident physicians and internes, who make up the resident staff, and a number of volunteer physicians, who comprise the attending staff. Resident physicians are usually full-time staff members, frequently living on the grounds, with complete quarters provided for themselves and families. The internes, of course, are recently graduated medical students who live in dormitories on the grounds and receive only maintenance and nominal money payment. Practically all charitable hospitals have large numbers of volunteer physicians and surgeons, all of whom give a considerable portion of their time to the hospital without any compensation. While a great share of this service is actuated by altruistic motives, many doctors welcome this opportunity for a wide variety of practice in order to develop and maintain professional skills. Moreover, the prestige of a physician or surgeon is, in the eyes of the profession, enhanced by membership on the attending staff of a charitable hospital.

THE CULINARY PROBLEM. Not so many years ago the preparation and serving of food in hospitals was in the hands of practical chefs who learned their trade by the apprentice and experience route. The modern trend is unquestionably in the direction of placing all of the culinary operations in the hands of the dietitian, usually a woman who is a graduate from a college of home economics. She supervises the kitchen, specifies the supplies to be purchased, prescribes the meals fitting into the various diets required, and sees that the food is properly served. The emphasis today is upon securing the proper dietary balance to suit the nourishment needs of the patients. A trained dietitian is sufficiently well versed in food values to be able to make desirable substitutions in accordance with market trends. She will have numerous files of alternative meal arrangements, so that if proteins are temporarily expensive in one form, they can be purchased at a lower cost in another. Taken all in all, the hospital superintendent will find the dietitian to be one of his most re-

sponsible colleagues, both from the standpoint of medical care and business management.²²

THE PERSONNEL PROBLEM. The problem of personnel morale in hospitals and institutions is in some respects different from that in other governmental departments. In the first place, this is a governmental activity where a certain number of the personnel must live on the grounds. This situation of course gives rise to all of the personal jealousies and gossip that go with the living together of families whose heads are professionally associated. When subordinate and custodial personnel must also live on the grounds, this situation is all the more aggravated. Secondly, the menial and manual work of hospitals looms so large that great numbers of helpers must be hired. The pressure for governmental economy has even required these people to perform some of the ward services customarily thought to be a part of the nurses' duties. These hospital helpers are quite generally poorly paid, with the result that they are inferior from the standpoint of mentality, outlook, vigor, and frequently character. They tend to become an itinerant social class, migrating from institution to institution, trying out the food and accommodations and carrying the gossip. They have been referred to by one experienced superintendent as "bughouse bums." Nurses, likewise, are quite generally poorly paid and often find their work uncertain, with varying periods of unemployment. This tends to lower the character and morale of nurses as well. Thus, in less degree, nurses present the same problems as the helpers in hospitals.

Nevertheless, few public institution administrators have yet awakened to the problem of their personnel. In general, employees are still encouraged to live on the premises.²³ A good reason for this, probably, is the fact that it is cheaper to maintain them at the institution than to pay them an adequate allowance for living outside. A vast improvement in the character of the personnel and the quality of services rendered would result from raising the workers' and nurses' pay; providing for outside main-

²² *Ibid.*, pp. 449-535.

²³ Wayne County Research Bureau, *op. cit.*, p. 47 ff.

tenance for all employees, with the exception of an emergency staff; and regularizing the work of nurses and helpers so that they may be assured of a living throughout the year, rather than from day to day with long lapses of unemployment.

Administrative Controls in Institutional Management

OBJECTIVE CONTROLS. The purpose of a public hospital is to provide, at the lowest possible cost to the community, adequate medical care for those unable to pay. To make administration as scientific as the attainment of this goal would demand, progressive administrators are developing what are known as techniques of administrative control. These are objective devices for measuring the services and costs of the various functions of the institution. It is felt that they make it possible for the administrator to know at all times the needs of his plant, its current costs, its comparative costs, the quality of services given, and other significant data. Techniques of administrative control may be arbitrarily divided into three classes: personnel controls; objective cost controls; and controls based on evaluation of service or care.

Perhaps the most widespread personnel control is that known as the "Ratio of Nurses to Patients" control, or the "Nursing Load Ratio." It can be stated in either of two ways. The first way is to state that for each nurse or employee in a given division of the hospital there should be a certain number of patients. The other way is to say that each patient should receive a given number of hours of nursing care per day. In either case a standard is set up and personnel is hired and fired on the basis of the rise and fall of the actual ratio above and below the standard. Whether there should be one nurse for every two, four, six, or eight patients is a problem which each hospital must determine for itself, in accordance with its layout and facilities.²⁴ Somewhere between two and four patients per employee, perhaps, lies the optimum figure.²⁵ On the other hand, it is generally

²⁴ In a large hospital where the Nursing Ratio was 1 to 6, the post-operative death rate was 5.5 per cent. In a hospital of equal size and equipment where the Nursing Ratio was 1 to 1½, the post-operative death rate was only 1.8 per cent. MacEachern, *op. cit.*, p. 384.

²⁵ *Ibid.*, pp. 383-385.

agreed that, on the average, every patient should have between two and three hours of nursing care each day.²⁶

Another personnel control is the ratio of patient days to total employee days. This figure is arrived at by comparing over the period of a month the number of employees per day with the number of patients per day. Suppose the standard ratio is five. This means that in the ideal month there should be an average of 200 employees as compared to 1,000 patients. Then in the month of June, for example, there was an average of 200 employees, but the average number of patients had jumped to 1,200. This would mean that the ratio was six, and the administrator would know he needed more employees. These personnel ratios are undoubtedly of informative value. However, the practice, as found in a few institutions, of using them as the sole determinant of layoffs and recruitment, would seem to aggravate the irregularity of employment already pointed out as a serious obstacle to employee morale.

Among the objective cost controls, probably the most important are the budgetary controls, similar to those used in other governmental activities. The budgetary total is divided into monthly or quarterly units, and at the end of each period actual costs are computed and the comparative loss or gain recorded. Another control of this type is unit cost control, based on the principles of cost accounting. By this method, for example, a standard unit cost per meal is computed, and then the effort is made to keep the unit cost of all meals served at the institution close to that standard.

Standards have been set for laundry per patient. Thus a given number of patients is supposed to use only a certain amount of linen. If the ratio of linen to patients goes up, the employees are instructed to exercise more restraint in its use.

The amount of garbage from the institution's kitchen forms the basis for setting up an excellent administrative control over food expenditure and the size of meals. The ratio of dry garbage per thousand meals is used as the standard. When the ratio goes up, the dietitian knows that she has been feeding the

²⁶ R. A. and O. P. Goslin, *You and Your Hospitals, a Digest of the Hospital Survey for New York, 1938* (United Hospital Fund, New York, 1938), p. 16.

patients too much. When it goes down she may suspect that the patients are going hungry.

A typical control based on an evaluation of services is the analysis of duties. A detailed study of the component parts of a given job is made. Standards of efficient performance are devised as a result of this study. With these standards as controls, the administrator can see to it that whoever holds the job renders adequate performance.

Another device of this same type is to have the employee fill out printed forms which require an accounting of the worker's activities in fifteen-minute periods for a full day. The purpose is to find out what he does with his time, and if his position requires sufficient sustained activity to keep him busy for a whole work-day. After he has filled out the form, he is checked by an official to see if he has recorded his working activities correctly. If he has recorded more time for a particular job than it actually takes, this will be revealed. Another way to check the answers of the worker is to have a trusted individual perform the work himself. He can thus see if it actually does require the time and effort which the first worker claimed.

Although only a few local jurisdictions have as yet been affected, the movement toward developing objective standards in institutional management is a promising one. However, these standards, much like efficiency ratings in personnel administration, should be considered aids to efficient administration rather than infallible rules to be followed. Too many intangible factors are present to warrant the complete substitution of an arbitrary mathematical ratio for the balanced judgment of the administrator.

PATIENT MORALE. A significant administrative control based on an evaluation of services, although hardly capable of objective measurement, is represented in the attitudes and reactions of the patients themselves. This is especially true in institutions for mental cases and for the chronics and convalescents. Even in the hospitals which care for surgery and acute disease cases there is a very definite relation between patient complaints and the efficiency of hospital personnel. When the number of nursing hours per patient begins to drop below the standard, complaints become

more numerous and more serious. The problem, however, is more than one of providing efficient service, particularly in the institutions for the insane, the chronically ill, and the aged. Here the patients will not co-operate unless they are given opportunity for self-expression, for recognition, for recreational and diverting activities. Repression, detention, and indifference bring bad patient morale, and bad morale means poor administration. Some institutions have found work programs for ambulatory patients valuable. In others the patients are taught trades and crafts as a means of occupying their hands and minds. Movies, group games, and clubs are also provided, as well as outlets for such artistic or aesthetic impulses as may be present within the patients. Regardless of the methods used to achieve it, good patient morale is a tremendous asset to effective administration and, likewise, a good indication of it.

What Constitutes a Good Hospital

The medical profession, in its efforts to secure uniformly high standards of hospital administration, recognizes only those institutions which can pass certain fundamental tests. Among these tests, the following are considered to be the most important.

The physicians and surgeons practicing in the hospital must be organized as a staff. Membership on that staff must be restricted to physicians and surgeons who are graduated from acceptable medical schools and who are legally licensed. The staff must be an active one, meeting at least once each month, passing rules and regulations, and adopting policies. Accurate and complete records must be written for all patients and filed in an accessible manner. These records must include personal and family history as well as the history of the current illness. Finally, there must be laboratory facilities for study, diagnosis, and the treatment of patients.²⁷

To determine whether or not hospitals are meeting the minimum requirements of the organization, the American Medical Association sends a yearly questionnaire to all the hospitals in the country. This questionnaire calls for a variety of informa-

²⁷ The Minimum Standard of the American College of Surgeons, to be found in MacEachern, *op. cit.*, frontispiece.

tion, the most important of which follows: (1) the character of cases treated, (2) the number of beds in the hospital, the number of patients admitted, (3) extent of clinical laboratory facilities, (4) number of births and deaths, (5) number of autopsies, (6) number of free as compared to the number of pay patients, (7) extent of facilities in the out-patient and X-ray departments. In addition to this written request for information, the Association sends a representative to the hospital to make an actual inspection of the institution. He checks with particular care (1) the general building conditions, (2) the distribution of beds and services, (3) the facilities for surgery, obstetrics, and other medical functions, (4) the adequacy of equipment and personnel, both general and specialized, (5) the organization of the medical staff, and (6) the adequacy of the medical library.²⁸

Other Municipal Services to Indigents

MEDICAL SOCIAL WORK. Medical patients, and especially indigent ones, are often sick because of some mental or environmental condition. It may be that worry over family difficulties or finances has contributed to a patient's illness. Perhaps unhealthful living conditions have been the cause of the disease. Yet the physician or surgeon in the hospital knows nothing of these factors. He has before him only the body of the patient. He may utilize all that medical science has taught him, but he will be unable to effect a cure if the patient remains in a bad mental condition. Or, when the patient does recover and leaves the hospital, it will be only until the same environmental conditions which originally sent him there cause him to return.

In order to prevent worry and to correct bad environmental conditions, medical social service departments have been established in the better institutions. The social service worker is supposed to assist the physician in both diagnosis and treatment. He or she interviews each patient, comes to know his individual problems, and interprets them to the physician. The social worker endeavors to produce a tranquil frame of mind in the patient.

²⁸ Council on Medical Education and Hospitals of the American Medical Association, "Hospital Service in the United States," reprinted from *Hospital Number, Journal of the American Medical Association* (March 26, 1938), p. 690 ff.

He instills in him hope rather than fear for the future. He explains to him the physician's plan of treatment in such a way as to secure co-operation. He is responsible for the other members of the patient's family, and is responsible for the patient after he leaves the hospital. In the large modern hospital the social service worker performs these extra-medical services so characteristic of the old family doctor. These have become services which the twentieth century specialist is unable to perform.²⁹

OUT-PATIENT CLINICS AND THE "PANEL DOCTOR" SYSTEM. There is a considerable field of welfare operation in the medical field which is closely related to institutional management, yet not directly a part of it. This is the medical care of the indigents who have not been institutionalized. In general, there are two ways in which this has been handled. The first way is to have out-patient clinics in the institutions, with branches scattered in various convenient places, perhaps the welfare centers. The indigents call in person at these clinics, where they are attended by both full-time staff physicians and volunteer physicians.³⁰ This arrangement prevailed in Los Angeles County at the beginning of the depression, but as the welfare rolls increased, the volunteer physicians began to see their own paying patients come to them at these free welfare clinics. The result was that the medical profession brought pressure to have these indigents call at their offices on a fee basis.³¹

This latter plan is called the "panel doctor" system. It works substantially as follows. The status of indigency is first established by the investigation of a social case worker. If medical attention seems to be needed, the social worker so indicates. The client is then sent to a physician in the neighborhood who has indicated his willingness to serve indigents on a fee basis considerably less than the going rate. The same arrangement is

²⁹ William A. Bryan, *Administrative Psychiatry* (W. W. Norton & Co., New York, 1936), 349 pp.; Goslin, *op. cit.*, p. 17; Janet Thornton and Marjorie Knauth, *The Social Component in Medical Care* (Columbia University Press, New York, 1937), 411 pp.; MacEachern, *op. cit.*, pp. 537-568.

³⁰ In many large cities, one out of every four or five persons makes visits to these clinics. Fred S. Hall (Ed.), *Social Work Year Book* (Russell Sage Foundation, New York, 1937), pp. 264-271.

³¹ Los Angeles County Department of Budget and Research, *Medical Care of Indigents Outside of County Institutions* (Los Angeles, 1936), mimeo., 171 pp.

made with a group of pharmacists, who agree to furnish certain standardized prescriptions at stated costs. The private medical group prefers the latter arrangement because it is in line with the American Medical Association policy of maintaining private practice and the intimate personal relationship between physician and patient. The city of Detroit has for years provided medical care to indigents on such a basis.

In both Los Angeles and Detroit, the "panel doctor" system has been found to be considerably cheaper than the out-patient clinic, with its full-time staff. During the early years of the depression, medical service to indigents on the "panel doctor" plan was financed nationally by the Federal Emergency Relief Administration.³² By 1935 cities in twenty-eight states were operating the system successfully, and in thirteen more it had limited application. The opposition, however, of many organized medical groups, and the lack of supervision on the part of governmental agencies contributed to a poor administration of the system in many places. Then in 1936 and 1937 when the Federal Government withdrew from direct relief, the responsibility for these medical service plans fell back upon the local governments. In some places they were continued, in others, abandoned. Thus today the "panel doctor" system presents a varied front. In some jurisdictions it has flourished; in others the only medical agencies left are those which are a part of established institutions.³³

New Responsibilities for Public Welfare

Municipal welfare institutions have in the past been chiefly concerned with the provision of medical care to indigents and unemployed. Today a new philosophy is pushing that policy into the background. It has been found in recent studies that indigents are not alone in their need for medical services. Many millions of the great body of American people are not receiving adequate care.³⁴ Public welfare administration, public health, and the pri-

³² Hall, *op. cit.*, pp. 264-271. Because of inability to control unnecessary calls, the "panel system" increased costs. Michael M. Davis, *Public Medical Services* (The University of Chicago Press, Chicago, 1937), pp. 19-31.

³³ See Davis, *op. cit.*, p. 141 ff., for evaluation of panel system.

³⁴ Technical Committee on Medical Care, *The Need for a National Health Program* (Interdepartmental Committee to Coordinate Health and Welfare Activities, Washington, D. C., 1938), 36 pp.

vate practice of medicine are all striving for solutions to the problem. Slowly but effectively each is turning from indifference, or opposition, to support of plans for securing this needed medical care.

The American Medical Association and state associations in various parts of the country are proposing plans for the wider provision of medical services to the lower income groups. Public health departments are striving to break away from the popular belief that their rôle is only a preventive one. In New York City the people have acted to provide hospital care for themselves. More than 900,000 persons in that city pay three cents a day into a fund which automatically pays for their hospitalization when and if they become sick or injured.³⁵ In other cities, citizen groups have formed associations and societies for the purpose of sharing each other's medical costs. Suggestion is constantly made that the facilities of governmental institutions be extended to persons above the relief level. Those who believe that this must be done base their position upon the assumption that private and voluntary plans are too sketchy ever to solve more than a fraction of the problem. At any rate, the increased participation of local government institutions in the provision of medical services to large numbers of citizens is inevitable.³⁶

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³⁵ Goslin, *op. cit.*, p. 9.

³⁶ See Williams, *op. cit.*, pp. 44-52, for a discussion of the trend in this direction.

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PART V

PHYSICAL PLANNING

CHAPTER XVII

WHAT IS PLANNING?

Planning is a term with wide and varying application. There is social and economic planning as envisaged in the socialist economy, and as exemplified in the Russian Gosplan. Under it an attempt is made to foresee and control the entire productive effort of a nation. Management planning has already been referred to in Chapter IV. Here attention is directed primarily toward what has been traditionally known as city planning. It is an entirely respectable activity, participated in by persons of all shades of economic and social thought. Conservative individuals, fearful of radical social movements, need not shy away from city planning. Chambers of commerce, merchants' associations, patriotic societies, and socialists all want a well laid-out city, with wide streets, expansive parks, and convenient communications.

City planning seeks to secure an orderly development of the external and physical aspects of the city. In addition to convenience and efficiency, city planning is becoming ever more interested in aesthetics. It is concerned with communications: highways, streets, alleys, parking places, traffic movement, public carriers, and rapid transit. It seeks to provide adequate open space in the form of parks, playgrounds, sites for public buildings and public reservations. It tries to control the use of privately owned land by securing the adoption of zoning restrictions and architectural control devices. Recently many planning agencies have attacked the housing problem. The control of the subdivision of real estate is a fairly widespread activity of planning commissions.¹

City planning has a very direct relationship to good municipal administration and management. In a certain city a dead-end

¹ For a discussion of the aim and scope of city planning see E. M. Bassett, Frank B. Williams, Alfred Bettman and Robert Whitten, *Model Laws for Planning Cities, Counties, and States* (Harvard University Press, Cambridge, 1935), p. 3 ff.

street lined with apartment houses is too narrow to permit entrance of fire apparatus when autos are parked on either side. In a very recently developed city, hundreds of thousands of dollars have been spent to straighten street intersections which never should have been permitted to jog in the first place. The control of traffic has a very real relation to the arrangement of streets and transit lines. It has been proved beyond a shadow of a doubt that slum areas require an outlay for municipal services greater than the taxes they pay. Yet the abolition of slums is a city planning problem. The administration of such services as public health, welfare, and relief loom so large in the municipal picture that city officials must recognize poverty as a major municipal problem. Poverty as it relates to environment comes squarely within the purview of city planning.

The city planning movement has grown rapidly in recent years. Additional impetus has been acquired since 1933 as a result of the encouragement and assistance given local planning bodies by the National Resources Planning Board of the Federal Government. As of 1938, over 1,700 towns and cities had developed some form of planning and zoning, while approximately 1,200 had continuing planning boards.² In the same year the National Resources Committee established a Local Planning Committee to study and assist with the attack upon local planning problems.

The Planners

In the past, city planning has stressed design and engineering to the exclusion of administrative and social considerations. Academic instruction in the subject has been almost entirely from the standpoint of layout, design, and landscaping. Traditionalism and formalism have been the rule, with the result that one will find the literature on the subject almost entirely written by persons belonging to these schools of planning. As a matter of fact, some of the national leaders in the field formerly stated that city planning had no social implications. Happily, this is changing. The planners are now more and more aware of the social

² National Resources Committee, *Progress Report, 1938* (Government Printing Office, Washington, D. C., 1939), p. 3.

and economic ramifications of planning.³ The result is that there is arising a new school, the members of which have a much wider vision of city planning than the old design group. The following are some of their concepts.

CO-ORDINATION. The planning officer should be on good terms with the mayor, city council, and department heads, "selling" planning to them as well as to the citizens. He should sit in on interdepartmental conferences on a wide variety of matters. Plans involving physical layout and structure, irrespective of the department concerned, should be sent to the planning division for review. Conformity with good planning practice should be accomplished by education rather than coercion.

CREATIVE LEADERSHIP. The planning officer should exercise creative leadership. He should make his department such a vital part of the stream of municipal life that the planning angle would be sought as a matter of course on every problem arising.

RESEARCH. The planning agency should gather a continuous stream of social and economic statistics. To build a good highway requires not only adequate engineering design, but social and economic data contributing to an understanding of the use of that highway. A planning department must constantly be studying and reporting on problems concerned with traffic, housing, recreation, and land use.

PUBLIC RELATIONS. Planning cannot be carried on in a vacuum. There is probably no municipal activity which has such powerful pressure groups to deal with, convert, and, this failing, oppose. The difficulty is that those who throw obstacles in the way of planning are not members of the underworld; they are often the respectable elements in the community, including the real estate interests. The result is that a live planning agency must be public relations conscious; it must constantly strive to deliver its story to the public convincingly. There must be a constant but not too obvious effort to carry the story of planning to the people.

³ See Hugh R. Pomeroy, "The Broadening Scope of City Planning," *Public Management* (November, 1938), Vol. XX, pp. 323-324.

TECHNICAL PROGRAM. The planning agency should organize a competent staff of technicians properly equipped to carry forward a technical program. This would include engineers, landscape architects, draftsmen, and cartographers. In addition, there should be those who have backgrounds in sociology, economics, and public administration.

CAN CITIES BE REPLANNED? Planning can be both corrective and preventive. In suburban and rural areas, where there is still much unoccupied land, planning should look toward future use. By the exercise of proper controls, such as the master plan and official map, subdivision control, and zoning, future utilization can be carried out in an orderly and rational manner. The planning approach to the built-up sections of cities, however, must be for the most part corrective.

Sometimes one hears expressions of futility relative to the possibility of re-planning old and established cities. These spring from the assumption that planning is solely concerned with laying out streets and that it is impracticable from a cost standpoint to alter an existing street plan. This is a false concept of planning. To be sure, cities tend to retain their basic street layout, and places like Washington, D. C., are fortunate that some forethought was given to this item in the beginning. The period since 1920 has seen American cities lifting their faces with astounding rapidity. Chicago and Los Angeles have engaged in extensive widening and straightening of main highways. New York, in addition to Hudson bridges and tunnels, has constructed a freeway on the lower west side of Manhattan, and one under construction on the east side will give an unobstructed drive from the lower island clear into Connecticut. Washington, while blessed with an excellent original plan, has seen a virtual transformation of the governmental sector in the last decade. Cincinnati has demonstrated how the approach to a railway station through a tenement district can be changed into a verdant parkway. Chicago has altered a once grimy and uninviting lake front into a superb vista and major recreation area.

The automobile has so altered the traffic problem that cities must give attention to mending their street layouts. Jogs must be straightened; miles of frontage must be pushed back for

street widening and diagonal short-cuts; tunnels and bridges must be erected. It matters not what the cost, the pressure of the motor car on urban living is requiring that our cities adapt themselves to the automotive way of life.

The next great movement in city planning will be in the field of housing. The slum problem will be attacked with vigor during the coming generation. Block after block now solidly built with sordid tenements will exhibit modern multiple housing projects. These will be constructed in such a manner as to leave at least 60 per cent of the ground for green lawns and open spaces.

City planning is far from a futile pastime. The social changes of the next century will profoundly affect the external aspects of urban life. Instead of presenting an environment of poverty, illness, want, and penury to its millions of tenement dwellers, city life will tend more and more to fulfill its true possibilities. This will mean adequate, comfortable, and healthy housing, plenty of convenient playgrounds and open spaces, location of working and trading places to avoid congestion, transportation systems based on social needs rather than real estate speculation.

Aesthetic Considerations

The justification for city planning can be both practical and cultural. Highway, transit, and traffic projects have a very direct relation to commerce and trade and usually receive the sympathetic consideration of the business community. Beauty and architectural form were practically ignored in the periods of American industrial expansion and pioneering. At the end of the nineteenth century, however, a greater cultural consciousness developed. The struggle for the control of the productive resources of the country having been at least temporarily settled, the victors could take time to think about the beautification of the ugly industrial landscape. Some say that the Chicago World's Fair of 1893, which presented a striking architectural display, aroused in the visitors a realization of the tawdriness of their home cities. There followed a "city beautiful" movement which accomplished much in effacing the inevitable scars of the pioneer generations. The latter were necessarily and justifiably intent upon establishing a foothold; culture could come later. Urban

maturity, therefore, brought its park systems, museums, libraries, civic centers, civic auditoriums, playgrounds, stadia, and art galleries. It should not be concluded, however, that the trend toward the city beautiful had cultural and altruistic motivations alone. It has been discovered that there is an economic side, for ugliness has a very direct and immediate effect in depreciating property values. This is best exemplified in the very expressive word of the planner—"blight."

BLIGHT. Blight is the deterioration of property, usually resulting from a nuisance or annoying use of neighboring property. Indiscriminate location of commercial establishments blights residential districts. Funeral homes, for example, are regarded as particularly blighting, and an attempt is frequently made to segregate them. A major highway will blight a high-class residential district. An elite street of expensive retail shops has been blighted by manufacturing lofts overhead. The shop clientele objects to encountering the loft labor, resulting in a sharp lowering of store rental values. It will be noticed that around every central retail district there is a ring of tenement blight. Frequently it will contain a liberal scattering of dilapidated mansions. As the city grew, the middle and upper classes deserted the old family homes to move on toward the periphery, there to find fresh air, sunshine, space, and seclusion. The expanding trade area sandwiched stores and sweatshops in between the old homes, which were split up into apartments and rooming houses. The property was held with an eye to its speculative sale for business purposes. Maintenance expenditures were cut to almost nil and the district degenerated into slums and miserable homes for the working people who could afford no better. Hence the slums are among the worst blighted sections of our cities.

Annoying use of adjacent property is not the sole cause of blight. Districts are occasionally blighted by a shifting of the center of retail trade. During the last thirty years the shopping area in New York City has shifted from a score of blocks south to north of Forty-second Street. In Los Angeles it has moved from the Civic Center district south about seven blocks. This has resulted in blighting the buildings in the old area. Even though they may be structurally sound, the use for which they were

intended has drifted elsewhere. They tend to become tenanted by marginal businesses and sweatshop enterprises. Sometimes splendid buildings become blighted because their architecture corresponds to a period now in disfavor. Thus the frame "gingerbread" mansions of the 1880's and 1890's have been allowed to deteriorate into tenements and cheap rooming houses. In Los Angeles a large department store and an office building have entirely remodelled their exteriors to conform to the modernistic lines of more recent competitive buildings.

AESTHETICS AND THE LAW. Anglo-Saxon law has always guarded jealously the rights of property, especially real property. The sacred rights of the landholder have been an integral part of that individualism tempering the basic tenets of the common law. It is not by accident that the Philippines and Louisiana, both civil law jurisdictions, have met the aesthetic issue without subterfuge. Continental law has always permitted public agencies to require private structures to adhere to aesthetic standards. That is one reason why Cheney was able to give Paris an architectural rating of 85 per cent as against 9 per cent for London.⁴ It is still fundamentally true that American courts will not uphold an invasion of property rights on the basis of aesthetics alone. There is a long series of cases upholding regulation of billboards, but not because they were offensive to the sense of beauty. Billboards were regulated under the police power upon the grounds that they were detrimental to the public safety, the public health, the public morals, or the general welfare. When a huge sign was erected at the New York approach to the Mid-Hudson bridge at Poughkeepsie, the public authorities placed a hedge in front of it, thus destroying its effectiveness. While the purpose of the hedge was admittedly to preserve the beauty of the approach, the court deemed it necessary to base its decision on "practical" grounds. The state's action was justified on the grounds of safety; a hazard thereto would result from the heat and glare reflected upon the highway from the sign.⁵

⁴ Charles H. Cheney, "Architectural Control in Relation to Zoning," *The Annals of the American Academy of Political and Social Science* (May, 1931) Vol. CLV, pp. 159, 161, 163.

⁵ *Perlmutter v. Green*, 259 N. Y. 327, 182 N. E. 5 (1932).

The Boston Commons Case ⁶ recently attracted nation-wide interest. The decision consolidated a group of billboard cases, but chief interest attached to the state's order to remove a sign over a building bordering on Boston Common. The court upheld the state's refusal to renew the permit to maintain the sign. It reviewed with apparent approval the reasons for refusal set forth in the administrative order. These were that the sign was unsightly, an obnoxious intrusion into the historic and beautiful locality, and a serious affront to the dignity of the commonwealth because of its proximity to the Statehouse. The court justified its decision on the grounds of "fitness and taste." ⁷ The case is valuable as the first square holding by any common-law jurisdiction in the United States that the police power extends to the regulation of billboards in the interests of aesthetics alone. An attorney who aided in the preparation of the brief for the commonwealth states that "there is no reason other than respect for precedent why any other court should not reach a like result." ⁸ Nevertheless, one should not jump to the conclusion that governmental regulation of private property in the interest of the aesthetic will become lawful very soon. While the Boston Commons Case may influence other courts, the fact remains that the overwhelming preponderance of judicial opinion has been in a contrary direction. ⁹

ARCHITECTURAL CONTROL. Architectural control means regulation of the exterior design of structures. It involves two administrative problems, one concerning public and one concerning private property. In the first place, if governmental and public agencies are permitted to build as they please, an utter lack of harmony in design might result. Hence, most large cities have

⁶ *General Outdoor Advertising Company, Inc., et al. v. Department of Public Works, et al.*, 289 Mass. 149, 193 N. E. 799 (1935).

⁷ 289 Mass. 149, 156-161, 193 N. E. 799, 823-824 (1935).

⁸ G. K. Gardner, "The Massachusetts Billboard Decision," *Harvard Law Review* (April, 1936), Vol. XLIX, pp. 869, 902. This case is of interest to students of administrative law because the points at issue resulted from administrative rules and orders of the State Department of Public Works.

⁹ The following two cases were picked at random from important jurisdictions. They were handed down during the same year as the Boston case, and each denied aesthetic considerations as justifying police power regulations. *Wondrak v. Kelly*, 129 Ohio St. 268, 195 N. E. 65 (1935); *State Bank and Trust Company v. Village of Wilmette*, 358 Ill. 311, 193 N. E. 131 (1935).

found it desirable to establish some sort of body whose approval must be secured before any type of public structure whatsoever is erected. The usual term for this agency is the Art Commission or Art Jury, and the law usually requires that persons identified with the fine arts compose its membership.¹⁰ The New York charter of 1936 gives the Art Commission widespread powers over a variety of matters. It must approve all works of art erected or to be erected on land owned by the city. Similar approval is required for all proposals to purchase works of art by the city or to receive them as gifts. The Commission's approval is required for all buildings, bridges, viaducts and approaches thereto, docks, piers, fences, gates, and lamps.

Recognition of the rôle of art in city building has been an up-hill struggle in the United States. This is aptly illustrated by the utter indifference of high official personages to aesthetic factors in developing the national capital. A splendid original plan was dormant and even flouted for many years.¹¹ Happily, the course of events in this respect has changed for the better in recent years. The Commission of Fine Arts, established in 1910, was given augmented power in 1930. Composed of seven "well qualified judges of the fine arts" appointed by the President, it is charged with the artistic consideration and approval of plans for public buildings and parks in the District of Columbia. It also has control over architectural design of private buildings fronting on the main governmental sector in the District.¹²

If it is difficult to secure beautifully designed public buildings, the task is magnified several times in the case of private structures. This is due, of course, to the legal difficulties encountered, not to speak of an incorrigible individualism in matters of this kind. In general, there have been three ways of securing architectural control of private property. That most often used is deed restriction, a device utilized by developers of high-class residential

¹⁰ T. K. and H. V. Hubbard, *Our Cities Today and Tomorrow* (Harvard University Press, Cambridge, 1929), p. 275 ff.

¹¹ For an intimate story of a life spent in promoting and protecting the beauty of Washington, D. C., consult Glenn Brown, *Memories: 1860-1930* (Privately printed, limited and autographed edition, Washington, D. C., 1931), 585 pp. See especially his account of Speaker Cannon's opposition, p. 98 ff.

¹² *United States Government Manual* (National Emergency Council, Washington, D. C., 1937), p. 210.

subdivisions. When the lots are sold, restrictions are placed in the deed, to run for a stated number of years. Structures of a specified minimum cost must be approved as to design by either the subdivider, an art jury, or an owners' association. This control device is effective for the first few years, but does not possess permanence.¹³

A second means of securing architectural control, used in southern California, is by imposing conditions on granting a zoning variance. This procedure has been used effectively by the city of Los Angeles on Wilshire Boulevard and by the county of Los Angeles on Sunset Boulevard between Hollywood and Beverly Hills. Each of these thoroughfares runs through territory zoned to residential use. As the lots bordering on the street became valuable for commercial purposes, the planning commissions were flooded with requests for change of use. Instead of a complete rezoning to commercial use, individual lot owners were given variances subject to specified conditions. These included an agreement to build and maintain the structures approved as to design by the planning commission. By this procedure the latter has been able to maintain a modicum of architectural control where otherwise indiscriminate blight might have resulted.

A third way to secure architectural conformance to taste and fitness is by boldly defying legal inhibitions and requiring all plans to secure the approval of an official agency. Santa Barbara, California, adopted this method for rebuilding after the earthquake of 1925. An ordinance was passed requiring all building permits to be passed upon by an Architectural Board of Review. This Board was permitted to function for only eight months, due to the opposition inevitably generated by the novel intrusion upon property rights. Nevertheless, the lasting benefit resulting from its brief jurisdiction is amply demonstrated by the general quality of Santa Barbara's main business district.¹⁴ San Diego now has architectural control ordinances covering several sections of the city. The following is quoted from a recent ordinance de-

¹³ Helen C. Monchow, *The Use of Deed Restrictions in Subdivision Development* (Institute for Research in Land Economics and Public Utilities, Chicago, 1928), 84 pp.

¹⁴ Charles H. Cheney, "How Santa Barabara Profited by Architectural Control," *American Civic Annual* (1929), Vol. I, pp. 189-193.

signed to eliminate roadside blight from the coast highway as it passes the new civic center :

All applications for building permits, plans and specifications for buildings to be erected on any property adjacent to, or within one hundred (100) feet of Pacific Highway, shall be referred by the Building Inspector to the City Planning Commission for approval as to the exterior design. If the design is approved by the City Planning Commission it shall recommend to the Building Inspector for issuance of a permit. If not approved, the City Planning Commission shall confer with the applicant and recommend changes in the exterior design of the structure.

Should the applicant refuse to accept the recommendations of the City Planning Commission, the application, together with the comments of the City Planning Commission, shall be referred back to the Building Inspector, recommending the denial of the permit.¹⁵

It is practically certain that an ordinance of this kind, if coercively administered, would encounter serious legal obstacles. This is well understood by the municipal officials themselves. However, the need for orderly roadside development is so apparent that pioneer attempts must be made. The law must always adapt itself to social need and desire. Hence, it is reasonable to expect an increasing judicial tolerance of legislation aimed at ugliness and unsightliness.

Planning Organization and Procedure

Planning is almost invariably in the hands of a board known as the City Planning Commission. This is an appointive body with overlapping terms, sometimes containing ex officio members such as the mayor or city manager. There is not complete agreement as to how zoning should fit into the administrative structure. In the past city planning commissions have had a great deal of the responsibility for formulating and administering the zoning policy. However, the constant pressure for zone changes

¹⁵ San Diego City Planning Commission, *Property Regulations of the City of San Diego* (San Diego, 1935), p. 37.

has occupied so much of the planning agency's time and facilities that planning has become almost synonymous with zoning. This situation has distorted and obstructed a true vision of planning in so many communities that there has been a reaction. This has taken the form of placing zoning in its proper place and perspective, where it will not be the tail that wags the dog. A sound arrangement is to have the planning agency draft the original ordinance and advise on changes. In other words, it is the technical adviser on zoning policy. The enforcement of the ordinance, however, would be in the hands of those who enforce the building code, and appeals therefrom would be to a separately constituted board of appeals.¹⁶

The planning commission should avail itself of the services of an experienced technical man with administrative ability. Under him there should be a technical and clerical staff. In the larger jurisdictions this may contain a score or more of persons trained in a wide variety of specialties. There will be a generous representation of engineers and draftsmen. This is due to the fact that so much of planning work relates to plans for public works, streets, and open spaces, all of which are based on engineering procedure. The preparation of maps is a never-ending phase of planning procedure. The landscape architect and staff artist are needed to visualize contemplated projects.

Even the smallest planning office should have a nucleus of the important literature in the field. As the agency grows larger, a qualified staff member can be placed in charge of the departmental library. In the largest units there can be a librarian also familiar with the subject matter of planning. Such a person would constantly search the bibliographies, ordering that material which seems pertinent. The incoming publications would be read, digested, marked, and routed to the appropriate technicians. This procedure is invaluable to a planning unit actuated by the true planning spirit.

¹⁶ The United States Department of Commerce, under the Secretaryship of Herbert Hoover, called conferences and advisory committees on planning and zoning which resulted in *A Standard City Planning Act* and *A Standard State Zoning Enabling Act* (Government Printing Office, Washington, D. C., 1928 and 1926), 54 pp. and 13 pp. respectively. See also Bassett, Williams, Bettman, and Whitten, *op. cit.*, 137 pp.

plan, secured the dedication of a hundred miles of streets, and obtained the adoption of the plan by ordinance of many of the cities of the county. It acts as the planning agency for the unincorporated area of the county, including at least forty urban areas which would probably be incorporated as cities elsewhere. Los Angeles County furnishes them municipal services, thus obviating the necessity for incorporation. The planning commission administers zoning ordinances in several of these localities. It also administers the California Subdivision Act outside cities. It keeps up a friendly liaison with city planning commissions within the county, sending representatives to meet with them, and fostering interest in their work. County planning is now becoming quite widespread in both urban and rural counties.

Regional planning has been fostered in New York City and Philadelphia by non-official voluntary associations. The Regional Planning Federation of the Philadelphia Tri-State District has raised funds from private sources to conduct surveys and basic studies. These have been directed toward the physical and population problems of the Philadelphia metropolitan area, ignoring political boundary lines.²⁶

The regional plan of New York and its environs required seven years to complete and cost \$1,000,000 supplied by the Russell Sage Foundation. It covered territory lying within a radius of fifty miles from the New York City Hall. This included 421 separate communities and contained 5,528 square miles. The plan covered the subjects of traffic and transportation, recreation and health, protection and regulation of land uses. The report was published by the Regional Plan Association, Inc., in ten large volumes. The first two, more general in nature, were entitled *Regional Plan of New York and Its Environs*. The other eight contained the more detailed findings and bore the title of *Regional Survey of New York and Its Environs*. Begun in 1922, these results were published in 1931. This latter event was not the occasion for the sponsors of the plan to fold up their tents and regard their task as done. A permanent Regional Plan Association is promoting the plan, conducting further studies, and sug-

²⁶ Regional Planning Federation of the Philadelphia Tri-State District, *Regional Planning: The Region—Past, Present and Future* (1931), 54 pp.

gesting modifications when needed. There is evidence that the plan, although unofficial, is being adopted and observed in practice to a gratifying extent.²⁷

A recent impetus to regional planning has come from the National Resources Committee. While primarily interested in the resources planning of large regions such as New England and the Pacific Northwest, the Committee has also assisted in the preparation of plans covering interstate metropolitan areas. Two studies already published cover the St. Louis Metropolitan Region and the Baltimore-Washington-Annapolis area.²⁸

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²⁷ Thomas Adams, *Outline of Town and City Planning* (Russell Sage Foundation, New York, 1935), p. 220 ff.; *From Plan to Reality: Four Years of Progress of the Regional Development of New York and Its Environs* (Regional Planning Association, New York, 1933), 142 pp.

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CHAPTER XVIII

LAND USE PLANNING AND CONTROL

Planning can hardly be effective unless the municipal authorities are given the power to control the use of land. Such control involves power over both publicly and privately owned real estate. The former can be achieved by co-ordination of the land activities of governmental agencies. The latter, however, runs squarely into the omnipresent problem of the regulation of private property. This means that every step toward adequate control in the interest of the public welfare has encountered legal obstacles. There has developed, nevertheless, a gradual realization that if our cities are to become livable places, the use of land must be guided and controlled. This is evidenced in a number of control devices which have developed in recent decades, some only partially accepted in practice, and others, such as zoning, quite generally prevalent. In addition to zoning, these include the power given to some planning commissions to control the layout and development of new subdivisions. The laying out of projected streets and highways, and the widening of existing ones, have been accorded a police power aspect in some jurisdictions. Where such openings and widenings have been adopted on the official map, the courts will frequently uphold the refusal of building permits for permanent improvements in their paths. Thus the city is permitted to avoid the expense of condemning expensive improvements when building the street at some future date. The modern housing movement, so extensive in England and just beginning in America, is largely a problem in land use. The provision of public open spaces for wholesome recreation is intimately tied in with the social problems of poverty, health, slums, and juvenile delinquency. Land use also has a very direct relation to transportation, traffic, and structural regulation through the building code.

Those who have the future of American cities in their hands must realize that population growth is slowing up; indeed, one is told on every hand that the population of the country is soon to become static. Upon to now the land policy of our cities has been based largely on the assumption of ever-increasing numbers. It has been said that until recently banks required no accounting for depreciation when they loaned money for urban building, because it was assumed that real estate values would increase enough to cover building depreciation. The booster spirit of commercial and real estate groups has encouraged extravagance, always with the allegation that the increment in values would cover the cost. Now the time has come when our cities must plan for stability rather than unending growth. This requires an alteration of basic approach and ideology.

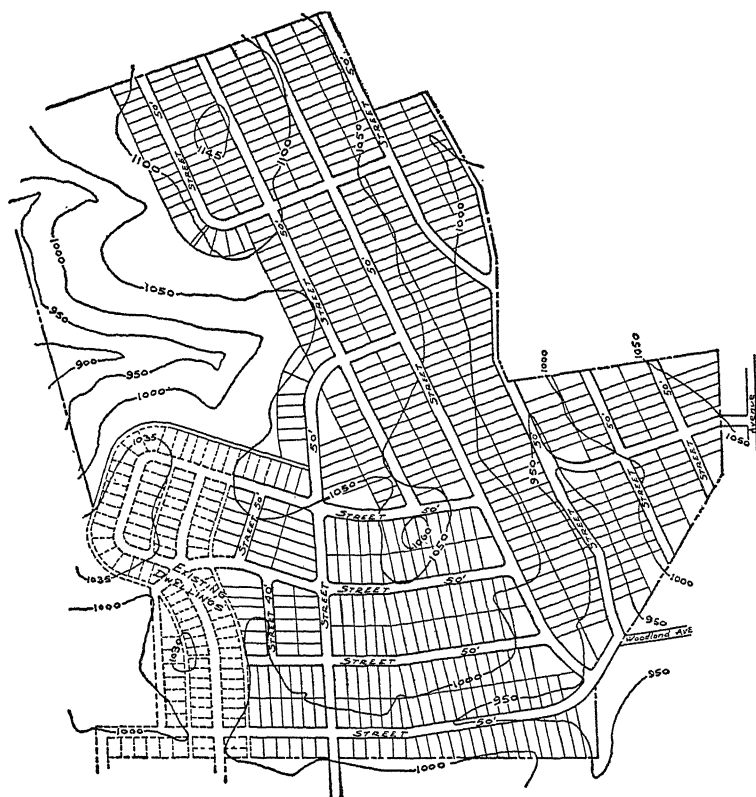
Land Use Standards

Recent studies indicate that the percentage of land which a city devotes to particular uses is reasonably constant, irrespective of geographical location. The percentages are almost identical in England and America. The formula runs, in rough approximation, 40 per cent residential, 33 per cent streets, 11 per cent industrial and railroad property, 8 per cent public and semi-public property, 6 per cent parks and playgrounds, and 2 per cent commercial areas. These percentages apply only to the developed land in the American cities studied and do not include the 40 per cent of the city's area which is vacant. They are mentioned here so that the reader who desires to pursue the study further may be stimulated to go to the sources. They are significant in that they can serve as guides in the proper supervision of future land use programs.¹

Design and Layout

Past writings on city planning have devoted attention to the comparative merits of various symmetrical designs, especially what are known as the radial and gridiron types. The former has

¹ Harland Bartholomew, *Urban Land Uses* (Harvard City Planning Studies, IV, Harvard University Press, Cambridge, 1932), pp. 140-141; Thomas Adams, *Design of Residential Areas* (Harvard City Planning Studies, VI, Harvard University Press, Cambridge, 1934), pp. 65, 139-140.

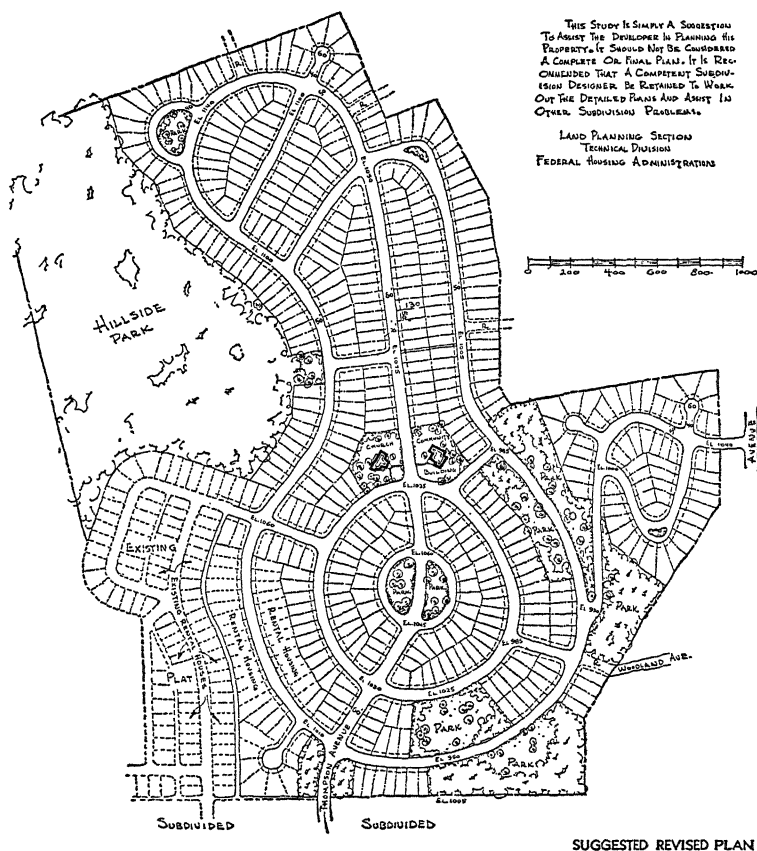


ORIGINAL PLAN

Contours of the land were not considered in the original plan of this subdivision. Neither the streets nor the lots were located so as to take the best advantage of the terrain. The plan also failed to provide a comprehensive neighborhood. A revised plan is shown on opposite page

Figure 39. Subdivision Planning—the Wrong Way

(From Federal Housing Administration, *Planning Profitable Neighborhoods*, Government Printing Office, Washington, D. C., 1938, p. 32.)



In this revised design every lot is planned to be a good building site. Roads and lots are arranged to follow natural conditions of the subdivision thus reducing street grades, and cost of improvement construction. Parks and public building sites are included in the new plan

Figure 40. Subdivision Planning—the Right Way

(From Federal Housing Administration, *Planning Profitable Neighborhoods*, Government Printing Office, Washington, D. C., 1938, p. 33.)

streets emanating from one or more centers like spokes in a wheel; the latter has rectangular blocks and ninety degree street intersections. While attention should be given to questions of this nature, the important consideration lies in the nature of the local topography. Street design and layout should be projected with an eye toward the lay of the land. A desire for symmetry should be subordinated to a realistic recognition of natural passageways. Instead of detracting from beauty, this procedure will tend to enhance aesthetic results. Every effort should be made to have the street layout "conserve such features as fine trees, running brooks, and wooded or rocky glens. Any one of these may justify a change in the direction of a street. Where curves are necessary or desirable they should be gracefully fitted to the ground and provide a clear view of at least 120 feet in either direction."² It is especially important that streets be laid out by trained and experienced city planners; civil engineers with only general experience are not included in this category. Street and subdivision layout is a specialty requiring the services of specialists. Mute evidence of this fact is embodied in a group of hills, within five miles of the center of a great city, splendidly adapted to residential subdivision. Today they are barren of buildings because there are gridiron streets which in some cases achieve a virtually inaccessible grade. This problem is one for the collaboration of city planner, traffic official, subdivider, and all administrative departments.

EVILS OF "RIBBON" CONSTRUCTION. One of the greatest evils in modern urban development is the tendency to permit business buildings along main highways. In the suburbs this often results in "ribbon" development: cheap, unsightly, and temporary structures, such as "hot dog" stands, gasoline stations, and road houses. Nearer the center of the city this land is held for speculative purposes at values quite in excess of reality. It can never all be developed for commercial use, and the highway blights it for residential purposes. Several defenses or remedies are available for this situation. The first is the freeway which permits no abutting construction, no cross roads, and access and

² Adams, *op. cit.*, p. 150.

egress either only at terminals or at long intervals. The second is the parkway, which permits frequent access and egress, but which prevents abutting buildings by making the bordering land a part of the highway. Often it is developed with trees, green lawns, flowers, shrubbery, paths, and other park facilities. The third remedy, applicable to suburban and semi-rural areas, is to zone agricultural land abutting on main highways against business development. A fourth is to have main highways circumvent and avoid small towns and outlying business districts. This is frequently difficult to accomplish because of the protests coming from those operating businesses along the way which it is proposed to avoid. A fifth remedy is to permit occasional stretches of business frontage accompanied by a service street. This is a street paralleling the main highway, with access from one to the other, the strip between them being available for auto parking or planted to trees and grass.

WIDTH OF STREETS. The determination of the proper width of streets is a technical matter, the details of which are not amenable to discussion in a work of this kind. It is sufficient to say that students of planning have examined into this problem and that suggested standards are available.³

Streets do not have to be of the same width throughout their length. They may be wider at intersections than elsewhere. Special parking space may be provided by occasional widenings instead of by means of a continuous parking lane. The one-way street should exist only as a part of a comprehensive street plan into which it conveniently fits. When introduced as a separate feature unco-ordinated with other traffic ways it may be seriously objectionable. A cul-de-sac or dead-end street has its special uses, especially in connection with residential design. There it may penetrate a hollow square around which the houses are built; or it may take the Radburn form of a service road giving vehicular access to the buildings with a pedestrian walk on the opposite or garden side. The width of a street has a very direct bearing on the cost of buildings in a residential area. Hence a considerable saving can be effected, if the use for some years to come is known,

³ See, for instance, Adams, *op. cit.*, p. 152.

by building pavement of no greater width than is adequate for the contemplated use. If development requiring a greater width is anticipated, the right-of-way can be acquired with allowance for future widening of the pavement. Hence the width of secondary and minor streets can very well be left to the discretion of the city planning commission.⁴

BUILDING LINES AND FUTURE STREETS. Master plans and official maps must lay out streets which cannot or need not be built at once; perhaps some will not be opened for years. In other instances it becomes necessary to look forward to the eventual widening of particular streets. The practical problem confronted in this connection is how to prevent the erection of buildings in the paths of future streets or widenings. The cost of outright purchase of all privately owned right of way would be prohibitive, at least in the built-up areas. If acquisition is left until the street is opened, the structures will also have to be purchased. Two practical methods of accomplishing the desired purpose are available. The first, dedication by the owner, is most applicable in the opening of new subdivisions. However, there are cases where property owners have been willing to dedicate land for the widening of existing streets. Under the proper form of subdivision control, the planning authorities require the subdivider to dedicate streets in conformity to the official map. Approval of the subdivider's plat is not forthcoming unless it fits into existing street plans. There are a number of instances where alert planning agencies are accomplishing splendid results along these lines without coercion, simply by intelligent exposition of common sense applications. The Los Angeles County Regional Planning Commission has secured the dedication of hundreds of miles of streets at a saving of millions of dollars.

The second general method of anticipating future street openings and widenings is the establishment of building lines or street reservations on the official map. The main point of controversy arises over whether these building lines shall be established by eminent domain or under the police power. According to the former procedure the city purchases through condemnation an

⁴ *Ibid.*, pp. 150-155.

easement for street rights. The owner retains the use of the land for normal uses other than for building purposes. He may use it for lawn, garden, or pasture, subject to the city's taking it for street purposes when ready. The city does not acquire ownership in fee, merely an easement for street purposes. When street reservations are established under the police power, the city marks out the paths of future streets and prevents the issuing of building permits therein. Under this procedure the city does *not* take the land without compensation. It merely says in effect: "This land is set aside for a street contemplated for future construction; hence, you are forbidden to build permanent structures upon it, although it is yours to use for any other lawful purpose. When it is needed for street use, you will be paid a fair price for it." This so-called police power method of reserving land for future streets is often opposed by people who think that it means the taking of land without compensation. The only distinction between it and eminent domain is the time for paying for the land. Under the police power method the land is not taken and paid for until the city is ready to build the street. The official map may have shown this contemplated street for many years, and during that time building permits may have been refused for structures on the proposed right-of-way. The police power had been exercised to deprive the owner of the right to use it as he pleased, but not to deprive him of his title. If the eminent domain procedure had been used, an easement would have been bought and paid for at once even though the opening or widening were deferred for many years.

The police power procedure may take three different forms. First, building lines may be established on the official map. Second, the same purpose may be accomplished, in the absence of an official map, by establishing building lines for particular streets by ordinance. Third, building in the path of future street widenings can be prevented by building lines established through zoning. The trend of opinion among the planning fraternity is in favor of the police power method as over eminent domain. There is still considerable doubt, however, as to the legality of the former. Experience seems to demonstrate that reserving future streets under eminent domain is unworkable in practice. It re-

mains practically unused even where good enabling statutes exist. This is accounted for by the high cost of condemnation occasioned by the excessive awards of juries. Even where condemnation costs have not been excessive there has been a psychological inhibition. There is reluctance to lay out considerable sums in payment for streets which may not be built for a generation.⁵

REPLOTTING URBAN LAND. In the United States, government cannot proceed to reallocate land uses irrespective of the desires and personal interests of the landowners. Proceedings are laborious and costly from the standpoint of legal procedure. The modern beauty of Paris, on the other hand, is often attributed to the autocratic powers exercised by Napoleon III when he laid out the boulevards and established open spaces irrespective of the desires of local property owners. It is only under an authoritarian governmental régime that there can be such a far-reaching redistribution of land uses.

Perhaps the most famous of modern statutes providing for the replotting of urban land was the Prussian law passed in 1902 and known as the "Lex Adickes." Named after its author, Bürgermeister Franz Adickes, of Frankfort-on-the-Main, this statute made improvements possible regardless of the opposition of a small minority of avaricious property owners and without necessitating wholesale condemnation at prohibitive cost.⁶ Thus far in the twentieth century the world has seen two of its great cities devastated by earthquakes followed by fire. San Francisco rebuilt on the old street lines, now admitted to be inadequate in width. One of its wealthiest and most civic-minded citizens, the late Senator Phelan, attempted to secure replanning before erecting the new city. He shouldered the personal expense of bringing a well-known city planner to recast the layout of streets and open spaces, but it all came to naught. The landowners would not give up the land necessary to accomplish the ends desired.⁷

⁵ Russell Van Nest Black, assisted by Mary Hedges Black, *Building Lines and Reservations for Future Streets; Their Establishment and Protection*. Harvard City Planning Studies, VIII (Harvard University Press, Cambridge, 1935), 243 pp.

⁶ Frank Backus Williams, *The Law of City Planning and Zoning* (The Macmillan Co., New York, 1922), p. 105.

⁷ Gertrude Atherton, *Adventures of a Novelist* (Liveright, Inc., New York, 1932), p. 413.

Tokyo, on the other hand, took advantage of the situation to transform an oriental city with narrow streets and few open spaces into a modern metropolis. To do so it expropriated 10 per cent of the land. Every property owner was given his proportionate share of what remained. If a new street or park deprived him of his former lot, he was given a substitute plat, corresponding in proportionate size and use adaptability to what he had before. Compensation was given for decrease in space exceeding 10 per cent of what an owner previously held. Where buildings had to be moved, the public authorities paid compensation for both the cost of removal and damages to structures incidental thereto. Cemeteries containing approximately 100,000 graves were evacuated. The area occupied by streets was increased from 11.6 to 18 per cent of the total. The number of parks was more than tripled and the total area devoted to the purpose almost doubled.⁸

Centralization or Decentralization

The question of whether a city should grow vertically at the center or expand horizontally is subject to frequent controversy. There are those who defend the New York type of skyscraper with intensively developed rapid transit. On the other hand, those are not few who want an open type of urban area with gardens around homes and frequent commercial sub-centers. The issue is posed in Lewis Mumford's review of the New York Regional Plan in *The New Republic*. The charge is made that the plan aids and abets the desires of commercial boosters and real estate promoters by providing for the further development of factors making for congestion. Instead of trying to control population, it assumes growth on the basis of past experience and goes ahead to provide for it. It ignores what Mumford lists as factors necessitating decentralization: electric power; telephone; the motor car; new methods of corporate direction; and the necessity of cheaper land for expansion. The plan assumed from the beginning that the area would have to continue filling up

⁸ *The Reconstruction of Tokyo* (Tokyo Municipal Office, Tokyo, 1933), pp. 237-274; E. M. Bassett, "Tokyo, the Lex Adickes, and Slum Clearance," *City Planning* (January, 1934), Vol. X, pp. 1-3.

with people, when, as a matter of fact, it is already too congested. Mumford claims that the donors of the report were too closely interested in existing situations to permit a theoretical report which would go to the heart of the problem of land use. The plan ignored the skyscraper as a problem and failed to consider lot use in the congested area. It failed to take cognizance of the fact that skyscrapers at the center create congestion in the suburbs. The construction of new rapid transit facilities makes it possible for workers in the congested center to live several miles away. The result is congestion in the suburbs, aided and abetted by congestion at the center, and all facilitated by the multiplication of rapid transit facilities.

Mumford goes on to say that the plan contains two contradictory recommendations. It asks for open spaces and garden cities while at the same time looking toward the intensive development of Manhattan with rapid transit. The two are incompatible. Furthermore, garden cities are not feasible as profit-making enterprises. Neither can they exist without an industrial base or state subsidy. He goes on to recommend that the area be developed on the basis of the neighborhood type of housing layout (to be discussed later in the chapter on Housing). In summary, Mumford struck at the limitations upon adequate planning imposed by private ownership of land and speculative real estate development.⁹

Thomas Adams, one of the principal collaborators in preparing the New York regional plan, replied to Mumford in the same periodical. He pointed out that the plan did not envisage a changed economic order, which would be a necessity if Mumford's ideas were to be carried out. Only a despotic régime could carry Mumford's recommendations into effect, and he (Adams) preferred to have "the evils that go with freedom than have the perfect physical order achieved at the price of freedom." Adams went on to defend the plan as being flexible. It does not support concentration, for it advocates a maximum ratio of a cubic foot of building to a square foot of lot, which is only one third of that of the Empire State Building. The report is opposed to

⁹ Lewis Mumford, "The Plan of New York," *The New Republic* (June 15 and 22, 1932), Vol. LXXI, pp. 121-126, 146-153.

injurious real estate speculation; it does provide for business subcenters. Mr. Adams concludes with a general denial of Mr. Mumford's allegations. It would seem that both are opposed to excessive concentration and congestion, but that they differ as to the extent the report under question would control the problem.¹⁰

THE SKYSCRAPER. A recent study in the Harvard City Planning Studies renders the skyscraper a much cleaner bill of health than would be warranted by giving full credence to its critics. In the first place, with proper bulk zoning and intelligent design, the skyscraper gives its inhabitants a maximum of light and sunlight. By bulk zoning is meant the legal restrictions which limit the proportion of the cubic space above a lot which a building may occupy. It is now common practice for American cities to have zoning regulations which require a building to be set back from the building line above the lower few stories.

The skyscraper is not directly responsible for traffic congestion. This is verified by actual count which shows that lower buildings such as department stores and lofts are responsible for much more pedestrian traffic than skyscraper office buildings and hotels. Furthermore, skyscrapers would seem to be safe under disaster conditions. There seems to be no experience which would justify limiting height to acquire greater safety from fires, earthquakes, or other calamities. Objectionable and dangerous dust, gases, and noises are less in evidence the higher one goes in a skyscraper. These are the reasons why rentals in a skyscraper increase as the building goes up and inward (set-backs). Natural light penetrates effectively not more than twenty-five feet beyond the windows. The result is that space for the first few floors is in demand only for stores, banks, and other businesses which place a premium on quick ingress and egress. Where there is slight demand for this space the set-back to the tower begins lower down, because tower space brings a higher rental. Thus the Empire State and New York Life buildings were set back above the fifth story as a matter of good business. Near the stock exchange there is greater demand for space near the street for banks and brokers. The result will be higher set-back lines.

¹⁰ Thomas Adams, "In Defense of the Regional Plan," *The New Republic* (July 6, 1932), Vol. LXXI, pp. 207-210.

The conclusion would seem to be that buildings do not become menacing because of their height. As a matter of fact, good living and working conditions seem to increase with height as is evidenced by correspondingly higher rentals. The real danger from the skyscraper seems to be in the possibility that it may not be controlled by proper bulk restrictions. In other words, skyscrapers may be set too close together on narrow streets. They may not set back to get adequate light and air. Failure to do so will shut out light and air for inhabitants of lower floors and users of the streets. Thus city streets will become dark canyons filled with polluted air. All of this can be avoided while at the same time securing the very positive benefits of high buildings by enforcing adequate bulk zoning.¹¹

RAPID TRANSIT. There is a tendency to assume that rapid transit in the form of subways will relieve congestion. However, the experience of New York hardly verifies such an assumption. In the words of a prominent New York subway builder and operator, the building of subways has proved to be a vicious circle.¹² A new subway has resulted in the building of huge apartment houses along its route. Because more people could live within easy commuting distance of the center of Manhattan, land values rose there. In order to capitalize on the value of expensive land it became necessary to build higher buildings to accommodate more people. As it became increasingly difficult for these growing crowds to be gushed in and out of Manhattan each day, the clamor went up for more subways. They were built as spokes to a wheel, all coming into the hub at the center of Manhattan. This centralization of subway routes was in itself a congesting factor.

There will probably always be a difference of opinion as to the merits of a city built like New York and one constructed on sprawling lines like Los Angeles. The latter had no natural barriers for fifteen miles on either side, a situation unique among American metropolises. The result is an almost utter lack of

¹¹ G. B. Ford, *Building Height, Bulk, and Form* (Harvard City Planning Series, II, Harvard University Press, Cambridge, 1931), 188 pp.; Thomas Adams, *Outline of Town and City Planning* (Russell Sage Foundation, New York, 1935), p. 190.

¹² Daniel L. Turner, "Is There a Vicious Circle of Transit Development and City Congestion?" *National Municipal Review* (June, 1926), Vol. XV, pp. 321-326.

rapid transit in the New York sense, and extraordinary dependence on the private automobile for commuting purposes. Buildings are low, skyscrapers being limited to twelve stories; and there are several important commercial centers, such as Hollywood. Downtown merchants and real estate interests have agitated for rapid transit, but the outer commercial groups have been strong enough to prevent it thus far.¹³ The one conclusion which seems to be justifiable is that subways cannot be built and operated without government subsidy. The New York subways charge a five-cent fare which falls far short of covering costs. The deficit is made up by direct appropriation of the city. Business interests desiring subways should calculate the tax subsidy which will be necessary and compare their increased tax bills with the greater income which will result from subways.

Subdivision of Land

The problem of the subdivision of land can best be posed by presenting the findings of a study recently conducted for the New York State Planning Council.¹⁴ The survey covered the urban counties containing the cities of Buffalo, Rochester, and Syracuse, as well as Westchester County and parts of New York City. Its findings are indicative of conditions to be found under similar circumstances in all parts of the United States.¹⁵

This study showed beyond doubt that there was excessive subdivision in advance of actual need, and that in the suburban districts vacant lots frequently numbered half to three-quarters of the total number of taxable parcels. Of the tax delinquent properties, the ratio of vacant to improved was four to one. The vacant parcels were to a considerable extent in clouded title; perhaps their record owners had acquired them in boom times for

¹³ D. M. Baker, *A Rapid Transit System for Los Angeles* (Central Business District Association, Los Angeles, 1933), mimeo., 90 pp.; Kelker, De Leuw and Company, *Report and Recommendations on a Comprehensive Rapid Transit Plan for the City and County of Los Angeles to the City Council of Los Angeles and the Board of Supervisors of Los Angeles County* (Los Angeles, 1925), 202 pp. and maps.

¹⁴ Philip H. Cornick, *Problems Created by Premature Subdivision of Urban Lands in Selected Metropolitan Districts* (Division of State Planning, Albany, 1938), 346 pp.

¹⁵ Compare, for instance, Charles D. Clark, "Penalties of Excess Subdividing," *City Planning* (April, 1934), Vol. X, pp. 51-61.

speculative purposes and had subsequently forgotten or abandoned them.

There was also found an abuse which has almost invariably accompanied real estate speculation. This is the subdividers' practice of having the government incur obligations for improvements such as sidewalks, curbs, grading and paving, street lights, sewers, and drains. Many of the lots will not be sold, and others will have to be given up by owners who have ventured beyond their means. The local government "holds the sack" for unwise real estate development. This means that the cost of government, for current expenses as well as excessive improvements, must be shouldered by the strong taxpayers. In other words, these taxpayers must pay for the speculative spree about which many of them had no say.

Another result has been that the land subdivided for urban purposes has been taken out of its natural use. It is no longer usable for agriculture because it is broken up into parcels, some of which are built upon. The city has meandered into the rural areas, destroying the natural beauty and filling up the open spaces. The countryside has been vulgarized in the process. Jerry-built structures have sprung up adjacent to, but outside of, municipal boundaries in order to escape municipal taxation, building codes, and sanitary inspection. The existing planning and zoning controls have been inadequate to stop it.

PREVENTING IMPROPER SUBDIVISION. Much thought has been given to the question of how to control the improper subdivision of land. There are those who would go to the extreme of requiring a certificate of necessity. No one could subdivide any acreage except upon permission extended after a showing that the new lots were needed, that the move was in the public interest. In any case, the subdivision plat should be registered with the planning commission. A proficient planning staff can do something by persuasion to get a subdivider to observe good practice. Another control is to require the subdivider to put in the improvements himself and finance them in such a way that they will not become a public charge. Frequently the owners of acreage are expected to dedicate to public use without compensation such streets as are required by the city planning commission. A de-

tailed plan for regulating municipal subdivision is presented in one of the model laws in the Harvard City Planning Studies.¹⁶

There is a growing opinion in favor of the establishment of a public land reserve. This involves municipal ownership of land strategically located so as to form an obstacle to the spread of blight. Greenbelts surrounding the urban areas (see chapter on Housing) would curb the spread of deleterious uses. The same would be true of municipal forests, said to be typical of European cities. Tongues of open spaces could be extended from the periphery into the city, like Rock Creek Park in Washington, D. C. The establishment of parkways should enhance this reserve.¹⁷

Zoning

Zoning consists of dividing the city into districts for the purpose of regulating the use of land. Such regulations may apply to the height, bulk, and use of buildings, the use of land, and the density of population. Zoning is now quite generally regarded as being constitutional and is a widely prevalent practice in American cities.¹⁸ The practice may be justified as an exercise of the police power in the interests of the public welfare, safety, health, and morals. Thus it is said that the control of building heights is "manifestly based upon the tendency of excessive heights to increase street congestion, cause depreciation of nearby property values, the overtaxing of sewers, increase in elevator accidents, the diminishing of light and air available to adjoining buildings."¹⁹ Bulk zoning determines how much of the cubic space above the lot a building may occupy. Area regulation is concerned with front yard requirements, the percentage of lot surface to be occupied by buildings, and rules to prevent houses from being too close together. Use regulation determines whether

¹⁶ Alfred Bettman, "Municipal Subdivision Regulation Act," *Model Laws for Planning Cities, Counties and States*. Harvard City Planning Studies, VII. (Harvard University Press, Cambridge, 1935), p. 84.

¹⁷ Harold S. Buttenheim and Philip H. Cornick, "Land Reserves for American Cities," *The Journal of Land and Public Utility Economics* (August, 1938), Vol. XIV, pp. 254-265.

¹⁸ E. M. Bassett, *Zoning: The Laws, Administration, and Court Decisions During the First Twenty Years* (Russell Sage Foundation, New York, 1936), p. 45 ff.

¹⁹ National Fire Protection Association, *City Planning and Zoning in Relation to Fire Prevention and Fire Protection* (The Association, Boston, 1934), pp. 32-33.

the land is to be utilized for residential, business, or industrial purposes.

ORGANIZATION FOR ZONING. In 1924, the United States Department of Commerce, under the leadership of Secretary Herbert Hoover, issued a Standard Zoning Enabling Act.²⁰ In 1935 the Harvard City Planning Studies published a volume of Model Laws which contained two complete zoning laws, one by Edward M. Bassett and Frank B. Williams, and one by Alfred Bettman.²¹ The differences between these three acts are so minor that there runs through them a uniformity which may be taken to indicate the principles of good zoning practice. First, the building department should issue no building permit where the proposed structure would violate the zoning regulations. Second, the preparation of the zoning scheme and its subsequent administration is a planning matter, very fittingly left in charge of the planning commission. Third, the zoning scheme is determined ultimately by the city council on recommendation of the planning commission. It is a part of the official map and can be changed only by amending the map. A change opposed by the planning commission should be permitted only after receiving a two-thirds vote of the council. Fourth, permission should be granted for exceptions where undue hardships are imposed on individual lots by rigid application of the general rules. The power to make these exceptions, referred to as "variances," should be in an independent quasi-judicial body known as the board of appeals. Provision is made for enforcing the zoning regulations by means of appropriate civil remedies, and violation of these regulations is also made a misdemeanor which is punishable by fine or imprisonment.

EXCEPTIONS. Good zoning practice recognizes that there should be some way of granting exceptions where rigid adherence to the ordinance would result in practical difficulty or unnecessary hardship. The recognized procedure for accomplishing this purpose is an appeal to the zoning board of appeals, which

²⁰Advisory Committee on Zoning, *A Standard State Zoning Enabling Act* (Government Printing Office, Washington, D. C., rev. ed., 1926), 13 pp.

²¹*Model Laws for Planning Cities, Counties and States*. Harvard City Planning Studies, VII (Harvard University Press, Cambridge, 1935), pp. 31, 81, 123.

may grant a "variance," mentioned above.²² Such a board acts only after appeal by a property owner, who alleges that special conditions make it advisable to deal with his land in a manner which differs from the treatment of the district as a whole.²³

As an example, consider the case of a person owning a vacant lot between two non-conforming business structures in an area zoned for residences. "Non-conforming" structures are those which existed at the time the district was zoned, and common practice is to allow them to remain and be maintained in good condition, while prohibiting their replacement by new business structures. The owner of the vacant lot petitions to be allowed to erect a business building of a temporary type to last no longer than the adjacent non-conforming ones. The zoning board of appeals grants such a permission without the ordinance being amended. It is acting in a judicial rather than legislative capacity. Frequently control is retained by the zoning authorities through attaching to the permit conditions which will assure future conformance with the character of the district.

This procedure should be distinguished from "spot zoning." The latter is a purely legislative act. As applied to the example above, the city council would be asked to amend the ordinance so as to permit commercial structures on the intervening vacant lot. "Spot zoning" has tended to acquire an odious connotation because of the practice of bringing pressure on the city council to make exceptions which, in both number and nature, tend to vitiate zoning effectiveness. When such "spot zones" are made in disregard of the advice of the planning authorities, the results are especially deleterious. In some cities the practice has become so widespread that virtually the entire time of the planning staff is devoted to caring for zone changes. In such places zoning has become almost synonymous with planning, and the other planning activities, which are just as important, have been neglected or subordinated. Of course, all of these things can happen if the zoning board of appeals permits too many exceptions. How-

²² In California, where there are no boards of appeals, such variances are granted by the city council, amounting in fact to amendments of the zoning ordinance.

²³ George A. Warp, "The Legal Status of Zoning Boards of Appeals," *Kentucky Law Journal* (January, 1939), Vol. XVII, pp. 185-191.

ever, the advantage in the board of appeals lies in the fact that it is at least once removed from the active political arena.

As indicated in the preceding chapter, proper organization would provide that the zoning ordinance be prepared by the planning agency, enacted by the city council, and enforced by the building department, with appeals being taken to a zoning board of appeals. The latter would immediately notify the planning agency of appeals, and the planners would proceed to study each case, prepare a brief, and represent the public interest at the hearing. This procedure should tend to remove action on appeals from personal and political influences.

QUESTIONS OF USE. One of the greatest evils in zoning is the tendency to set aside an excessively large area for commercial purposes. Those who own land along streets with a considerable volume of traffic like to regard it as valuable for commercial use. The result is that main highways are zoned predominantly commercial. There is no possibility of all of this land being used for that purpose, with the result that urban highways are bordered by long stretches of vacant lots with intermittent structures devoted to commercial purposes. The vacant lots are blighted for residential development because of their nearness to both heavy traffic and commercial establishments. Actual surveys have shown that cities need from fifty to sixty-five feet of business frontage for every hundred persons. This amounts to from 3 to 5 per cent of the total developed area.²⁴ The percentages of land zoned for commercial purposes to the entire area of the city would be much larger, for the figures quoted apply only to that which is actually in use. For instance, it has frequently been said that there is enough commercial land in Los Angeles for a city of 10,000,000 people. City planning of the future must be more realistic in designing commercial layouts. But, above all, landowners must be convinced that not every lot on a heavy traffic road is a potential gold mine if used for store purposes. This must go hand in hand with a growing public consciousness that modern traffic needs may require commercial developments to locate pur-

²⁴ Bartholomew, *op. cit.*, pp. 71-84. Also refer to use standards set up in beginning pages of this chapter.

posely away from the highway. To prevent the evils of "ribbon development," the city of Beverly Hills, California, purchased a park two miles long and about a hundred feet deep on the north side of Santa Monica Boulevard. The dream city of the future will make ample use of this device.

Zoning use designations for the different types of districts fall into fairly definite classes. Bartholomew suggests six as follows: (1) single family dwellings; (2) two-family dwellings; (3) multi-family dwellings; (4) commercial areas; (5) light industry; and (6) heavy industry. These are referred to by means of code designations which have not achieved uniformity between cities. It is fairly common to identify zones by letters, such as A zones and B zones. It has been suggested that there should be uniform designations, codes and symbols, with uniform colors, for purposes of map making.²⁵

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²⁵ A. E. Williamson, "Standardization of Zoning Symbols," *The Annals of the American Academy of Political and Social Science* (May, 1931), Vol. CLV, pp. 74-82.

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CHAPTER XIX

HOUSING

For years millions of American families have found it necessary to live in inadequate, yet high-rent dwellings. Their homes have been unsafe, insanitary, and much below what are commonly accepted as standards of decency. Usually overcrowded, they have been often lacking in the most elementary of plumbing facilities. Fresh air, sunlight, and adequate heating have been likewise absent, and roofs and ceilings have frequently offered only a partial shelter from the winter's snow and rain.

Little has been done to improve the lot of the millions living in substandard dwellings. Between 1930 and 1935 only 825,000 non-farm dwellings were built, and less than 12 per cent of these were constructed for the 80 per cent of the people who earn less than \$2,000 a year. Less than 6 per cent were built for families whose annual earnings were below \$1,500, the group whose need for new homes was greatest.¹ Poor housing conditions have been recognized for some time by social workers, but only within the past few years have they been realized by the public as a whole. Actually, it was not until a President of the United States in his inaugural address proclaimed that one-third of the nation was ill-housed that the problem was impressed upon the public mind.

Housing has become a matter of public concern in the industrial countries of the world because of its intimate relation to the public welfare. Poor housing is known to have a direct bearing on delinquency, dependency, health, and consequently upon the costs of public administration. For example, it is well established that it costs a city more to administer slum areas than

¹ Committee for Industrial Organization, *Labor's Program for Better Housing* (Washington, D. C., 1938), p. 7.

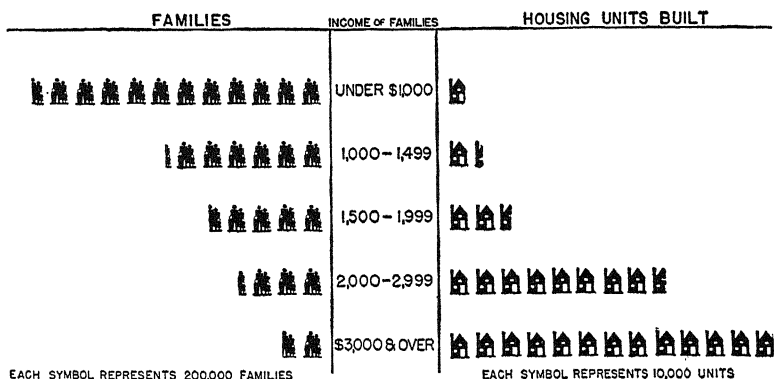


Figure 41. The Urban Building Market (Data covers 28 selected cities)
 (From United States Housing Authority, *What The Housing Act Can Do For Your City*,
 Government Printing Office, Washington, D. C., 1938, p. 7.)

they pay the city in taxes.² The social and economic condition of slum dwellers is vividly set forth in a report of the Detroit Housing Commission:

The fifty block area, three blocks east of Woodward, and about a mile from the City Hall, which was selected as the prospective site for Slum Clearance and Low-Cost Housing Project was one of the sections that showed excessively high rates in all social delinquencies studied. Crime was $7\frac{1}{2}$ times the city average; Juvenile Delinquency was 10.4 times; Tuberculosis, $6\frac{1}{2}$ times, Pneumonia, 8 times, and Infant Mortality, $1\frac{1}{2}$ times the average for the City as a whole. The increased cost to the city of disease in these areas because of the necessity of hospitalization due to bad housing conditions, makes these figures doubly significant. Nearly one-third of the families were dependent on Public Welfare and taxes were 327% delinquent. Only 8% of the properties had paid their taxes to date and the other 92% owed an average delinquency of between three and four years. . . . The average rent paid per family per month is \$8.00, including rents paid by the Welfare for dependent families.

² *Municipal Year Book* (The International City Managers' Association, Chicago, 1935), pp. 67, 71; Cleveland Metropolitan Housing Authority, *An Analysis of a Slum Area in Cleveland* (The Authority, Cleveland, 1934), pp. 16-17.

The average family income for the year 1933 was \$300.00. These same families had an average income in 1932 of \$446 and in 1929 of \$1193 per family. The average for the three years, \$645.00, might represent a fair estimate of anticipated income for these same families in somewhat improved industrial conditions of the near future. The reasonable rental expectation for these same families under such conditions would be about \$16.00 per month.³

This quotation covering a Detroit situation could be duplicated in practically every city in the United States. Between 1934 and 1936 the division of social research of the Works Progress Administration conducted real property surveys in 203 urban areas, including over two-fifths of the urban families in the United States. A major portion of these surveys was devoted to a study of the extent of substandard housing. It was found that while, for the country as a whole, 15 per cent of all dwelling units had no indoor flush toilets, in some sections over 30 per cent of the dwellings lacked this facility. Twenty per cent of the country's living units have no bathtub or shower, and in some sections as many as two-fifths are without bathing facilities. Forty per cent of the homes were found to be inadequately heated, while 16 per cent were either unfit to be lived in or were in need of major repairs.⁴ In New York City alone in 1935 there were 23,000 tenements with toilets in public halls, and 1,325 with them in the yard. Almost 30,000 houses had no bathing facilities.⁵

The conditions which have brought housing problems within the purview of municipal administration may be summarized as follows:

1. The industrial and worker population is miserably housed from the standpoint of sanitation, comfort, and convenience.

³ *First Annual Report of the Detroit Housing Commission* (Bulletin Control and Printing Bureau, Wayne County Welfare Relief Commission, Detroit, no date), pp. 18-19.

⁴ Works Progress Administration, Division of Social Research, *Urban Housing* (Government Printing Office, Washington, D. C., 1938), pp. 3-9.

⁵ New York City Housing Authority, *First Houses* (New York, 1935), p. 14.

2. These poor housing conditions are largely interrelated with increased delinquency,⁶ sickness, and dependency.
3. The resulting slums are blighted areas which, in addition to being eyesores, constitute obstacles to good city planning.
4. Slum areas are an economic liability to the taxpayer because they cost more to administer than they pay in taxes.
5. Slums constitute administrative hazards in such fields as fire prevention, crime prevention, public health, education, and recreation.
6. Re-housing is too expensive to attract private capital. It cannot be accomplished without government subsidy.

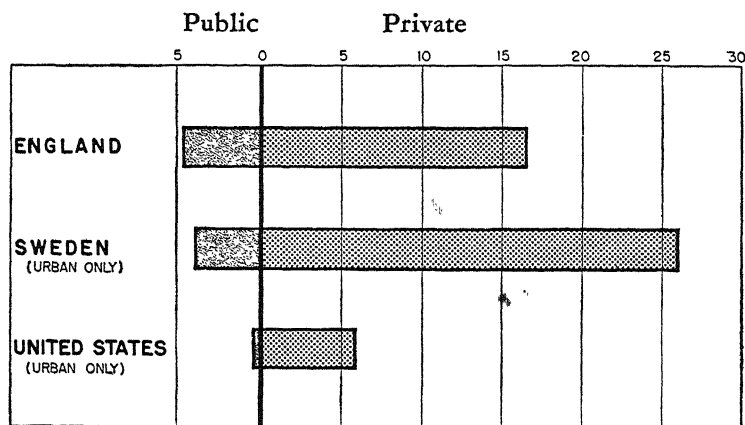


Figure 42. Dwellings Built per 100 Families, 1930-1937

(From United States Housing Authority, *What The Housing Act Can Do For Your City*, Government Printing Office, Washington, D. C., 1938, p. 77.)

Types of Housing

There is quite uniform agreement among city planners and civic reformers that the lower income groups are in need of improved housing. There is, however, some controversy as to the type of housing which should be constructed. Some would abandon or ignore the central slums and build single-family and

⁶ Federal Emergency Administration of Public Works, Housing Division, *The Relation Between Housing and Delinquency* (Washington, D. C., 1936), mimeo., 101 pp.

detached houses on existing open land in the suburbs. Some city planners have a horror of the apartment house or flat. It is said that they are not conducive to a normal home life; that they do not provide a normal play environment for children. The desirability of home ownership also favors the detached dwelling.⁷ Others, while admitting the social desirability of the detached dwelling, claim that it is impossible of achievement.

MULTIPLE HOUSES CENTRALLY LOCATED. Those who favor the multiple house program, while pointing to the tremendous shortage of decent houses in the United States, claim that the "own-your-own-home" single family dwelling movement is uneconomic and not realizable in practice. It is fostered by real estate promoters who lead the average purchaser to assume burdens entirely out of proportion to his means. It results in uncontrolled and haphazard development. The inability of original purchasers to carry the burden leads to abandonment of homes to less desirable occupants. There is a pressure to permit commercial use of unsold or vacant lots. The result is widespread blight. Home ownership is available only to the prosperous upper and middle income groups. The industrial population must be housed in multiple units which rent for from two and one-half to six dollars per room. Families with incomes averaging around \$75 per month can pay only \$15 to \$25 rent. Housing for the hundreds of thousands so situated, it is said, must consist either of existing blighted tenements or multiple units built through a program of government subsidy.

THE GARDEN CITY PLAN. Suburban housing has been greatly influenced by the British garden city developments. In 1898 a reformer by the name of Ebenezer Howard wrote a book entitled *Tomorrow*. Howard was aroused by the depopulation of the countryside. He wanted to get people back to the land. He envisioned countryside communities with people residing in detached houses, each family having its garden plot. Workers would be employed in decentralized industries near at hand, and the surplus garden produce would supplement the family income.

⁷ E. M. Bassett, "One Family Detached Homes," *Planning and Civic Comment* (October-December, 1935), Vol. 1, pp. 9-11.

Soon Letchworth, the first garden city, was built. Since that beginning the movement has dominated the suburban aspects of the vast British housing projects and has had considerable influence elsewhere.⁸

Garden city development is characterized by several distinctive features. In the first place, a large piece of land is planned and developed as a whole, along community lines. Letchworth, for example, includes 4,500 acres, and the Wythenshawe Estate, being developed by the city of Manchester, contains 3,710 acres. The second distinctive feature is that the original plan is controlled by retention of the ownership of the land in the developer, which is a limited dividend corporation for Letchworth and a municipality for Wythenshawe.⁹ Private buildings occupy land obtained through long-term leases. The third noteworthy aspect is open development with lawns, gardens, and parkways. Border blight is resisted by a belt of greensward entirely surrounding the community. This feature is being adopted by the Farm Security Administration for its so-called "green belt" towns.¹⁰ A fourth feature of the garden city plan is low housing density. The standard usually set and observed is twelve houses per acre. A fifth objective, not always fully realized, is to locate decentralized industries in the garden city near the homes of workers.

The garden city is not without its critics, one of whom recently decried the tendency of the large English cities to blot out the natural countryside. "The country will be pushed farther and farther away, transit from suburb to center will become a question of more money and still longer time, and the cost of all social services will be continually increased."¹¹ The same critic claims that the ideal town is that which is as compact as the minimum public health requirements will allow. Twenty, and sometimes even more, houses to the acre will permit adequate light and air. It is said that people living in garden cities do not

⁸ Thomas Sharp, *Town and Countryside* (Oxford University Press, London, 1932), p. 136 ff.

⁹ Letchworth, *Where Town and Country Meet* (First Garden City Limited, Letchworth, Hertfordshire, England, no date), 79 pp.; *How Manchester is Managed* (Town Hall Committee, Manchester, 1935), pp. 141-144.

¹⁰ Unsigned, "Site Plans for 'Greenbelt' Towns," *The American City* (August, 1936), Vol. LI, pp. 56-59.

¹¹ Sharp, *op. cit.*, p. 149.

work their gardens; the authorities have even resorted to punitive regulations in an effort to coerce them into doing so.

THE NEIGHBORHOOD CONCEPT. There need be no great controversy about what type of housing to adopt, for any comprehensive plan for rehousing must include all varieties of development. The central slums must be replaced by multiple units, sometimes forced high by land values. In other places where land is not so expensive two or three-story multiple walkups will prove desirable. In each of these cases there will be adequate open space provided. Not over fifty and desirably a lesser per cent of the land will be covered by buildings. Farther out there can be detached dwellings at a lower density. The main objective should be planning the residential districts comprehensively in advance and along neighborhood lines. The neighborhood concept involves the setting aside of a section of urban land designed to be used for homes. The over-all plans include space for play and recreation, probably a community center or building, churches, schools, fraternal buildings, and business buildings. The space for all of these is so laid out as to prevent one's blighting the other. The intent is to avoid the haphazard development which has blighted all of our cities. The neighborhood is not to be an independent city; it is merely an urban unit which is amenable to treatment as a planned residential section. It has been shown that it can be adapted to the multiple units running up several stories.¹² The Harvard City Planning studies have devoted attention to neighborhoods of small and detached homes.¹³

It is frequently charged that slum dwellers live in poor houses because they want to. If given good living quarters they would not appreciate them sufficiently to treat the property with respect. One hears stories about coal being stored in the bath tub and similar misuses of modern facilities. The consensus among those in contact with the problem is that these charges are gross exag-

¹² C. A. Perry, *Rebuilding Blighted Areas: A Study of the Neighborhood Unit in Replanning and Plot Assemblage* (Regional Planning Association, New York, 1933), 59 pp. Note numerous illustrations.

¹³ Thomas Adams, *Design of Residential Areas*, Harvard Studies VI (Harvard University Press, Cambridge, 1934), 296 pp.; Robert Whitten and Thomas Adams, *Neighborhoods of Small Homes*, Harvard Studies III (Harvard University Press, Cambridge, 1931), 205 pp.

generations. If society has permitted human beings to live under degrading conditions, there should be little surprise when a few of these find adaptation to a more wholesome environment extremely difficult. It is society's duty to help in the process of readjustment. This situation is partially responsible for the rise of a new profession—housing management.

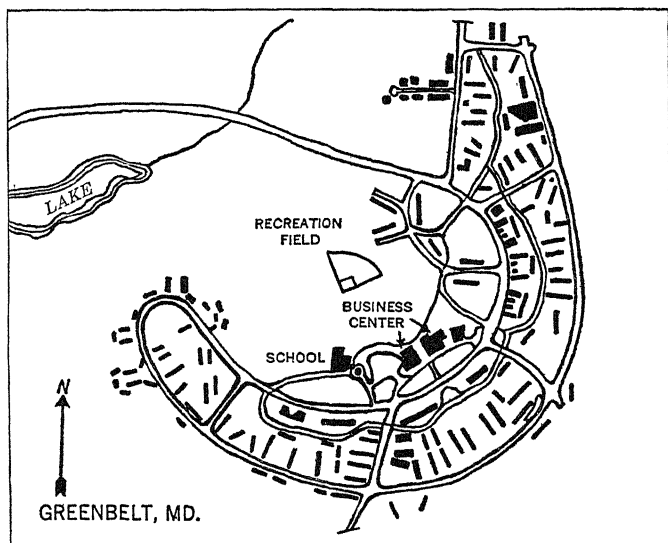


Figure 43. The Layout of the City of Greenbelt, Maryland, illustrating the principle of "neighborhood" design

This so-called "garden city" was built by the Resettlement Administration of the Federal Government.

(From Cedric Larson, "Greenbelt, Maryland: A Federally Planned Community," *National Municipal Review*, August, 1938, Vol. XXVII, p. 415.)

In the last half of the nineteenth century a high-minded young woman influenced her friend, the poet Dryden, to lend her money with which to experiment in housing the poor. She purchased, altered, and repaired some premises in an industrial area and settled down to managing them. Octavia Hill has since then become the prophet of modern English housing management. She combined the requisites and pointed the way. She was a capable financier, rent collector, and maintenance manager. But,

above all, she was a social worker, playground director, confessor, and intimate adviser to her tenants. By creating in the latter a personal respect for her opinion and desires she influenced them to respect and maintain the premises. The Octavia Hill type of housing management is now represented by an organization known as the Society of Women Housing Estate Managers. Courses of study leading to such positions are available, and a degree in estate management is offered at London University.¹⁴

The Government and Housing

The fact that private industry cannot or will not find ways to rehouse those living in substandard dwellings has forced government into housing. Thus in 1933 when the New Deal came to power there began a series of projects designed to discover the best ways for solving the problem of the ill-housed. The Resettlement Administration, now known as the Farm Security Administration, established a number of "subsistence homesteads," in which workers taken from the city slums and placed on small farms would produce a portion of their own food needs. These homestead projects were often known as green-belt towns and were meant to be an application of the garden-city method of rehousing the low-income groups. Only workers whose incomes are below a certain amount are admitted. The subsistence homestead program, however, is not always a low-rent program, for in some instances the individuals selected to live on the homesteads are allowed to buy their homes over a period of years in small monthly payments.

Until 1937 the Public Works Administration had a housing division which planned and built low-rent housing projects in several large cities, and other agencies such as the Reconstruction Finance Corporation, the Works Progress Administration, the Federal Home Loan Bank Board, and the Tennessee Valley Authority have from time to time been engaged in housing activities.

¹⁴ Beatrice G. Rosahn, *Housing Management,—Its History and Relation to Present Day Housing Problems* (National Municipal League, New York, 1935), pp. 6-7; *A Housing Program for the United States* (report prepared for the National Association of Housing Officials, Chicago, 1934), p. 18. *Housing Estate Management by Women* (Society of Women Housing Estate Managers, London, 1934), 16 pp.

The Federal Housing Administration should not be confused with the government's low-cost housing program. It is primarily an insurance agency, insuring the loans which are made to persons in middle and upper income groups for the building of homes. It does not subsidize projects in order to make low rent or buying costs possible. It merely guarantees to banks that approved loans to private individuals for home-building will be repaid, if not by the individual, then by the Federal Housing Administration. True, there are a few large-scale housing projects which have been constructed by private industry with the backing of the Federal Housing Administration, but these are not low-cost projects. Their monthly rents range from \$10 to \$14 per room, or \$40 to \$60 for a four-room apartment.¹⁵

UNITED STATES HOUSING AUTHORITY. In 1937, with the awakening of a public realization of the housing problem, and with increasing pressures from labor, low-income groups, and the President himself, Congress created the United States Housing Authority.¹⁶ For the present it constitutes America's major effort to banish substandard housing.

The U.S.H.A. does not build housing units, nor does it plan them; it merely makes loans and grants to local "housing authorities." It is based on the belief that the essential problems of low-rent housing are local ones, and that a centralized building program would be impossible to administer. By 1939, the Authority had been authorized to lend a maximum amount of \$800,000,000 to duly constituted local "authorities" for financing 90 per cent of the cost of erecting local multiple housing projects.

Local housing authorities may be formed by cities or counties in all states which have adopted housing laws approved by the U.S.H.A. There are now thirty-three states with such enabling legislation,¹⁷ and a number of the remaining fifteen are expected soon to pass laws which will make it possible for their cities and counties to take part in the U.S.H.A. program.

¹⁵ Thomas Humphries, "What's Happened to Housing?" *Harper's Magazine* (March, 1939), Vol. 178, pp. 404-415.

¹⁶ 42 U. S. C. Supp. 3, Sec. 1401 ff.; 50 Stat. 888.

¹⁷ United States Housing Authority, Division of Research and Information, *Local Housing Authorities* (Washington, D. C., December, 1938), mimeo., 11 pp.

There are several steps in the life of any U.S.H.A. project. First, a local authority must be created. This is usually accomplished by resolution of the governing body upon its own motion or upon petition of twenty-five residents. Appointment of the members who exercise the powers of the authority is ordinarily by the chief executive in cities and the governing body in counties. Often the impetus toward creation of an authority comes from a local housing association composed of a group of civic-minded individuals. This group not only works to secure an authority for the locality, but it also is frequently instrumental in guiding the selection of authority board members and in determining its subsequent policies. There were at the beginning of 1939 some 230 local housing authorities in the United States.

The second step in securing low-rent housing for a locality is to get an "earmarking" of U.S.H.A. funds. As soon as the local authority is organized, it makes a study of local housing conditions, ascertains the community's needs, and reports these findings to the U.S.H.A. In so doing it asks that the latter lay aside a certain amount of money for the use of that particular locality when it has completed its building plans.

The third step is to secure a loan contract from the U.S.H.A. This is not so easy as getting the "earmarking." Before a single penny is actually loaned to the local authority it must present to the U.S.H.A. for approval complete plans and specifications for the entire project. Moreover, it must assure the U.S.H.A. that 10 per cent of the project's cost will be borne by the city or county itself. Frequently loan contracts have been delayed for long periods of time because the local government would not advance the required 10 per cent. In spite of the fact that the contribution does not have to be in cash but may be made in land, streets, or improvements, a number of projects have been hamstrung by this local failure to provide. Some housing authorities have solved the problem by issuing bonds in their own names. The response to these bond issues has been so encouraging that many wonder whether much more than 10 per cent of the projects' costs could not be raised in this way.

The fourth step is the actual construction of the project. Here the chief limitations on local initiative are regulations as to the

size of rooms, air and light, costs per dwelling, and wages of workers. Every room must be of a certain minimum size, with adequate light and air. A four-room dwelling may not cost over \$5,000 in a city nor over \$4,000 in small towns.¹⁸ Building contracts must be let only to those who pay the prevailing wage rates to their workers.

MAKING LOW RENTS POSSIBLE. The primary objective of the U.S.H.A. act is to insure that livable homes will be provided the low-income groups at a price they can afford to pay. Thus *low rents* must be unequivocally guaranteed. To accomplish this each project is subsidized by both the Federal and the local Governments. In addition to loans, the U.S.H.A. may pay annually for a period not to exceed sixty years, a sum equivalent to the going federal interest rate plus 1 per cent of the development cost of each project. The annual-contributions contracts into which the authority may enter are limited to those calling for payments of not more than \$28,000,000 per year.¹⁹ As an alternative way of guaranteeing low rentals, the U.S.H.A. may make a capital grant of not to exceed 25 per cent of a project's development cost. The local authority must have demonstrated that this method is better suited to achieving low rentals, however, and an over-all limit of \$30,000,000 is imposed upon such grants.²⁰

In addition to raising at least 10 per cent of a project's cost, each local housing agency is obligated to see that the local government contributes in the form of cash, tax exemptions, or tax remissions at least 20 per cent of the federal annual contributions.²¹ Otherwise, the U.S.H.A. will refuse to finance the enterprise. Thus it is possible for a housing project to charge rental rates below its actual costs of operation, and through the subsidies of Federal and local Government still balance its books.

✓ Problems of the Local Authority

LOCATION OF NEW HOUSING. One of the first problems facing the local housing authority is that of choosing suitable sites

¹⁸ 42 U. S. C. 1415; 52 Stat. 820.

¹⁹ 42 U. S. C. 1415, 1410; 52 Stat. 820.

²⁰ Leon H. Keyserling, "Legal Aspects of Public Housing," *Legal Problems in the Housing Field* (National Resources Committee, Washington, D. C., 1939),

p. 33.

²¹ *Ibid.*

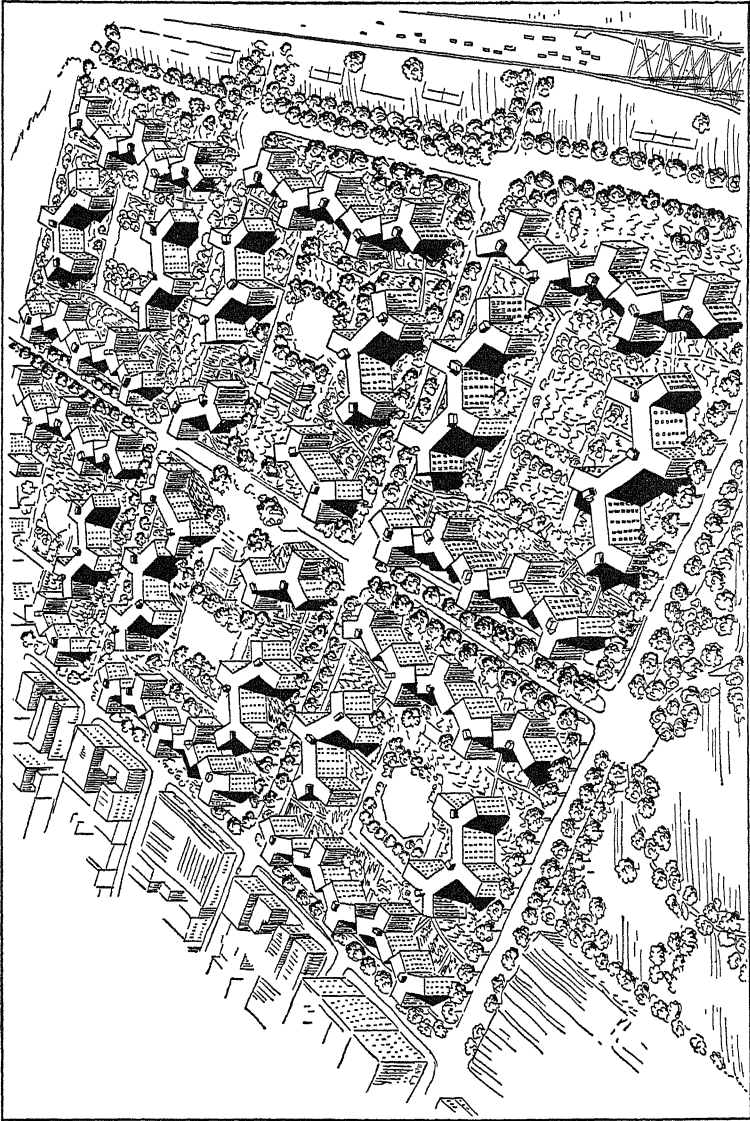


Figure 44. Layout of Multiple Housing Project in New York City

for its projects. The choice usually lies between low-cost, unused land in relatively undeveloped parts of the city, and slum areas. The latter are almost always areas of high land costs where the parcels of land are owned by numerous individuals. These persons artificially elevate prices whenever they learn that their property is wanted by a public agency. Often such owners bring pressure on the authority to buy their slum holdings in order that they may dump their bad investments on the city at exorbitant prices. Of course, the central location at slum-cleared land is a major advantage, but whether it is worth the price that is asked is problematical.

The whole problem is further confused by the so-called "equivalent elimination clause" of the U. S. Housing Act. This clause provides that for every new dwelling unit built, at least one substandard unit must be condemned, demolished, or repaired. The result is that authorities tend to demolish a slum area and then build their new project on the cleared site. This, of course, has the effect of improving the housing conditions in the area, but does nothing toward relieving the quantitative housing shortage. It may make it more acute, for during the time between demolition of the old and construction of the new units, tenants frequently have no place to go. Moreover, many new projects, because they aim to secure more adequate living standards, do not provide for as high an occupancy as the replaced slum dwellings. In cities where the housing problem is a quantitative as well as a qualitative one, the surplus occupants of the old slum units will need new homes and thus add to the general congestion.

On the other side of this question, it is argued that the "equivalent elimination clause" guarantees real progress in slum clearance. The worst housing sores will be cut away, and no suburban project can be undertaken with utter indifference to existing slum conditions. It is claimed that the most serious shortage is in decent homes, and that the attack should begin with elimination of the worst dwellings now being occupied.

Among those who supported the "equivalent elimination clause" were realty and investment interests who desired (1) maintenance of the housing shortage and its consequent high rents, (2) the increase of land values surrounding slum-cleared

sites, and (3) selling slum areas to public agencies at inordinately high prices. The fact that housing authorities generally have the power of eminent domain does not appreciably alter the situation. Eminent domain procedure results in the determination of values by juries, which more than frequently suffer from the delusion that awards are paid out of an impersonal vacuum to which no one contributes.

Many local authorities, sincerely interested in keeping the costs of their projects down so that rents may be as low as possible, have tried to get around equivalent elimination by repairing slum dwellings at comparatively low costs. Then they would buy and build on unused, low-cost land, thus relieving the housing shortage and providing a new low-rent project as well. However, this procedure has met with such opposition from local property interests and the courts that it has been all but abandoned.²²

There are those who claim that building on unused land is actually just as expensive as building in the slum areas. These persons base their argument on the assumption that the costs of erecting new schools and providing cultural, recreational, neighborhood, and transportation facilities in new areas are equal to or greater than the difference in the costs of slum and outlying lands. Regardless of the area chosen for the housing project, it is generally agreed that it should, in so far as feasible, be developed in accordance with the neighborhood concepts described above.

TAX EXEMPTION. The local housing authority and the housing association will often have to do a great deal of missionary work, largely with two particular groups. These are, first, the elected representatives of the people, and second, the large property interests. Since tax exemption is one of the bases of a project's ability to charge low rents, it will be necessary to convince the board or council that such exemption is actually beneficial. Many authorities have experienced difficulties in this respect, due to the fear that such exemptions would raise taxes. Councilmen and the propertied interests as well tend to feel that tax exemption will only increase the burden which remaining

²² Humphries, *op. cit.*, p. 410.

property owners will have to carry. Of value in winning over one or both groups, however, have been the following arguments : (1) rehousing projects almost invariably lower the costs of fire, police, health, and welfare services, thus actually making the tax burden lighter ; (2) if a project is not tax-exempt it will have to charge higher rents and attract the middle income group, thus entering into competition with the private real estate interests ; (3) tax exemption is often the only feasible way of providing the local contribution without which federal money would be lost to the community.

MANAGEMENT. Over a period of years the greatest single factor in determining the success or failure of a housing project will probably be its management. It is absolutely essential that managers be appointed on the basis of professional competence and not political affiliation. Actual practice in this regard cannot yet be determined, but wise local authorities will insure the success of their projects by appointing as managers persons who will regard their positions as public trusts. If necessary, U.S.H.A. influence can be brought to bear to encourage the selection of professionally qualified managers. Moreover, the act itself provides certain penalties for lax financial administration.

The present U.S.H.A. program should not be regarded as the solution to America's housing problem. At best, it is only scratching the surface of country-wide needs. Its total lending authorization of \$800,000,000 is sufficient to build only 150,000 dwellings, while the nation needs several times that many built every year. Granting that the U.S.H.A. proceeds in the right direction, it will take many years and a greatly expanded budget to alleviate America's housing ills.

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CHAPTER XX

MUNICIPAL AIRPORTS

The cities of the United States have played an important part in the development of American aviation. It would be impossible to land the large planes if there were no airports. Without airports which meet national standards, a national civil airways system could not have been established. The large airliners of today could not have been placed in service if airports were not being continually modernized to meet the demands of these planes.

There were 2,260 airports and landing fields in the continental United States on January 1, 1939. Of this number, 2,174 were under civil control. There were 1,385 non-military airports, 252 auxiliary fields, 267 intermediate fields maintained along federally operated airways as a safety measure, and 60 Army and 26 Navy fields. The 267 intermediate fields are federally maintained.¹

Of the 1,907 civil airports and landing fields, 1,046 are municipally maintained, 74 by state and federal agencies, and 787 by commercial or private interests. Seventeen of the 206 cities in this country having regularly scheduled air transport service depend upon commercially or privately owned fields as the local terminals.

Five hundred and eighty-four of the 1,907 airports and fields were started with the assistance of federal relief funds and labor furnished by the Works Progress Administration or other relief agencies. Approximately 600 fields already in existence in 1933 have been improved or provided with additional facilities through federal participation. One hundred and sixty-nine of the 206 airports receiving regular air transport service have benefited by government aid.

¹ United States Department of Commerce, "Preliminary Report on the Nationwide Airport Survey Sent to Congress," *Air Commerce Bulletin* (February, 1939), Vol. 10, pp. 222-223.

The total investment in American airport construction at the end of 1932 was approximately \$145,000,000. Of that total \$70,000,000, or 48 per cent, was municipal expenditure. As of January 1, 1939, the airport system represented a total outlay of approximately \$327,500,000. Of this amount, \$101,500,000 represented municipal and \$140,000,000, or 43 per cent, represented federal expenditures. From 1933 to 1938 inclusive, the percentage of federal funds which had been invested in total airport development was 77 per cent. The W.P.A. expenditure on airport projects throughout the country during the fiscal year 1938 was \$25,200,000.²

Considered on a profit and loss basis, the operation of an airport is a losing business for a municipality. Most cities have learned from experience that airports provide little except prestige. A recent survey of 209 airports substantiates this conclusion. The highest annual operating loss reported was \$179,057. Of course, most municipal services are not and probably cannot be made self-supporting. As airports become larger, deficits tend to increase.³

Cities must determine what revenues can be obtained through leasing space and service charges, and institute reasonable fees when deficits become too large. Municipalities must take into consideration that they cannot tax interstate commerce, which constitutes a substantial percentage of the business at some airports. This problem is not peculiar to the United States. Similar financial difficulties in providing civil aerodromes have been encountered in England.

Airport Uses

In determining whether a city should have an airport, city officials must first consider its uses. The present and potential uses of airports in this country include national defense, air mail, air express, passenger transport, private flying, testing and serv-

² *Ibid.*, p. 223.

³ American Society of Planning Officials and the American Municipal Association, *The Airport Dilemma* (Public Administration Service, Chicago, 1938), p. 18; Unsigned, "Airports in the Red: Survey Shows Operating Losses," *Business Week* (December 25, 1937), p. 22; Donald G. Duke, *Airports and Airways* (The Ronald Press Co., New York, 1927), 178 pp.

icing, flying instruction, sight-seeing and joy riding.⁴ The city in question may be one of the key points in a national system of air defense. It may be strategically located for the headquarters and shops of one of the airplane companies or for a manufacturing plant. If the city has a high per capita wealth, it may be that with the decreasing cost of planes because of mass production there will be enough private fliers in the community to justify the construction of an airport for this purpose alone. On February 16, 1939, the federal pilot-training program was begun. This will provide for the annual training of approximately 20,000 pilots between the ages of 18 and 25 years.⁵

Another important factor that must be taken into consideration is the amount of land required. Many cities constructed airports in the late 1920's, at which time the gliding standard required by the United States Bureau of Air Commerce was seven to one. This means that seven feet of horizontal travel must be provided for each foot of rise or drop in every take-off or landing. Today the requirement is twenty to one and in the near future may be increased to thirty to one. Cities with airports which are scheduled transport stops have had to extend their facilities to accommodate the increasing size of planes. These cities must continue this policy until some limit, structural or otherwise, has been reached in the size of aircraft.⁶

All airports are useful as emergency landing fields. Some of the municipal airports may soon become integral parts of the national civil airways system. There are more than two hundred municipal airports which have been designated by the Department of Commerce as key points in this system. It may be that these airports will be partially financed by state or federal funds. Prob-

⁴ A. B. Bennett, "Plan to Stimulate New Interest in Private Flying: Government Aid to Civil Aviation Training," *Aero Digest* (December, 1938), Vol. 33, p. 54; E. F. Ward, "Federal Government in Private Flying," *Air Commerce Bulletin* (February, 1938), Vol. 9, pp. 179-184.

⁵ United States Department of Commerce, "Pilot Training Program Gets Under Way," *Air Commerce Bulletin* (March, 1939), Vol. 10, pp. 231-234; "Program Announced for Training 20,000 Pilots Annually," *Air Commerce Bulletin* (January, 1939), Vol. 10, pp. 198-199.

⁶ L. H. Engel, "Increase in Airplane Size and Airports," *Science* (December 17, 1937), Vol. 86, Supplement, pp. 9-10; Unsigned, "Cities and Airports: Superliners Need More Space," *Business Week* (April 2, 1938), p. 27; J. M. Johnson, "Our Vital Airport Problems: How Shall They be Solved," *Air Commerce Bulletin* (November, 1937), Vol. 9, pp. 105-111; Archibald Black, *Civil Airports and Airways* (Simmons-Boardman, New York, 1929), 238 pp.

ably the next logical development is the establishment of a system of feeder lines into and from the key airports of this national system.

MUNICIPAL INTEREST IN AVIATION. In actual practice the general public usually makes the final decision as to the establishment of an airport through approval or disapproval of the required bond issue. Frequently, neither the public nor the proponents of the airport have any well defined reasons why the city should or should not have an airport. The airport has been approved in many cities which voted on the question because aviation has aroused public imagination. Many persons believed that the airport, like a new factory, would help to bring additional business to the city. Also, it was argued that aviation in the future would be as common a mode of transportation as the automobile or the railroad. Further, some citizens felt that if a neighboring city had an airport, their city too must have one. Newspapers frequently joined with chambers of commerce in advocating new and expanded airports.

Planning Airport Development

There should be planned airport development—national, state, and local. National planning is necessary because civil and commercial aviation is beneficial to the nation as a whole. The national government must depend to a great extent on state co-operation if national airport planning is to be successful. The power of cities to develop airports and to a certain extent the methods by which they use these powers are determined by state laws and regulations. Local planning is indispensable because, for the present, airport location, construction, expansion, and operation is largely a municipal responsibility.⁷

⁷ F. E. Hulse, "Airport Development by Progressive Stages," *Aero Digest* (February, 1937), Vol. 30, pp. 42-44; United States Department of Commerce, "Status of Federal Airways System on June 30 of Years Indicated," *Air Commerce Bulletin* (November, 1938), Vol. 10, pp. 150-151; Unsigned, "Status of Airports and Landing Fields by States, January 1, 1939," *Air Commerce Bulletin* (January, 1939), Vol. 10, pp. 197-198; E. J. Noble, "Federal Regulation of Air Transportation," *The Annals of the American Academy of Political and Social Science* (January, 1939), Vol. 201, pp. 243-247; Henry V. Hubbard, *Airports, Their Location, Administration, and Legal Basis* (Harvard University Press, Cambridge, 1930), 190 pp.

There are two federal agencies having responsibilities for aiding in the planning of American aviation and airports. One of these is the National Resources Planning Board, the general planning agency of the Federal Government, which has participated very little in the aviation planning that has been done to date. The other is the Civil Aeronautics Authority, which was created by Congress in 1938.

THE CIVIL AERONAUTICS AUTHORITY. The Civil Aeronautics Act went into effect on August 23, 1938. It established the Civil Aeronautics Authority, which consists of five members appointed by the President, with Senate confirmation. It is empowered to regulate commercial aviation; establish safety regulations; issue airman, aircraft, and air carrier operating certificates; supervise the transportation of air mail and the carriers involved. The C.A.A. also issues certificates of public convenience and necessity as well as permits to domestic and foreign air carriers.⁸

The Administrator of the Authority is also appointed by the President and Senate. Among other things, he has the power to establish and operate air navigation facilities upon municipally owned landing areas and provide personnel and equipment for the regulation and protection of traffic moving in air commerce.

The Air Safety Board of the Authority consists of three members similarly appointed. It is directed by the Act to investigate accidents involving aircraft and to conduct special studies and investigations on matters pertaining to safety in air navigation and the prevention of accidents.⁹

Approximately three-fourths of the states have commissions or agencies of some type which are directly concerned with aeronautical problems. Also every state, with the exception of Con-

⁸ Unsigned, "C.A.A. Begins Regulation of Civil Aviation," *Commercial and Financial Chronicle* (August 27, 1938), Vol. 147, pp. 1275-1276; C. M. Hester, "New Civil Aeronautics Authority," *Air Commerce Bulletin* (August, 1938), Vol. 10, pp. 34-38; L. H. Engel, "New Aeronautics Authority," *Science* (August 12, 1938) Vol. 88, Supplement, pp. 7-8; Fred D. Fagg, Jr., "Legal Basis of the Civil Air Regulations," *The Journal of Air Law and Commerce* (January, 1939), Vol. 10, pp. 7-29.

⁹ L. R. Inwood, "Air Safety Board: What It Does and Why," *Air Commerce Bulletin* (February, 1939), Vol. 10, pp. 210-212; C. B. Monro, "Aviation Concentrates on Safety," *National Safety News* (May, 1938), Vol. 37, pp. 10-11.

necticut, Delaware, and Maine, has a state planning board, some of which have manifested considerable interest in aeronautical and airport planning and development. It is likely that state planning and aeronautical agencies will co-ordinate their efforts in effecting sound airport planning. A city is unable to determine how large an airport to provide and the extent of expenditure on the basis of local information alone. Federal and state plans must be co-ordinated with local ones.

There are two types of local agencies especially interested in airport planning. The city planning commissions are the more important. All of the large cities and many of the smaller ones have such an agency. In addition, some cities have a special aviation commission.¹⁰

As already indicated, the first consideration from the standpoint of local planning is to determine whether the city needs an airport. The airport should be considered on its merits and in relation to other needed improvements. Further, since aviation is simply another form of transportation, it must be co-ordinated with that provided by rail and motor. It would be uneconomic and wasteful to have a multiplicity of airports throughout a metropolitan area where the railroad and motor transportation is adequate.

When it has been determined that a municipality needs an airport, the next consideration is one of kind. The large cities, the metropolitan areas, the medium-size cities, and the small will require different facilities. The smaller cities must provide field accommodations that will serve the feeder lines which connect with the terminal airports on the civil airways system. Taxis and small aircraft which do not require maximum-sized air fields can land and take off for short trips from these airports. In the vicinity of the largest cities fields for transport service for the regularly scheduled commercial lines and planes of private own-

¹⁰ B. F. Brueton, "Protection of Aerodromes in Planning Schemes," *Surveyor* (January 22, 1937), Vol. 91, pp. 99-100; J. W. Wood, "Airport Plan," *Aviation* (October, 1937), Vol. 36, pp. 26-27; F. D. Bradbrooke, "Air Transport and Airport," *Aeroplane* (April 21, 1937), Vol. 52, pp. 461-463; United States Department of Commerce, "Conference on Airports Held at Department of Commerce," *Air Commerce Bulletin* (December 15, 1937), Vol. 9, pp. 138-141; Henry A. Lewis-Dale, *Aviation and the Aerodrome* (Lippincott, New York, 1932), 168 pp.

ers should be provided. A separate field is desirable for training student pilots and demonstrating and selling planes.¹¹

In determining airport location, the municipality must consider the topography of the urban area. Of major importance are soil conditions, the presence of obstructions and barriers of all kinds, and the physical characteristics of the area. Meteorological factors, such as fog, winds, and rainfall, must be taken into account. Other important factors are land costs and availability of adequate area for immediate and future needs. Of course, all airports should be located with particular consideration to local transportation facilities. Since the time element is of such importance in air travel, the airport should be located as near the center of commercial activity as land area, land cost, and land safety factors permit. It should be placed as close to rapid transit accommodations and to railways, major highways, and waterways as possible.¹²

Airport Financing

Airport development must be considered an essential phase of municipal administration and finance. Despite large grants in the past, it is not likely that the full cost of construction, extension, operation, and maintenance of most municipal airports will be provided by federal and state funds. Airports should be self-supporting if reasonable methods can make this possible.¹³

The cities must devise some means of securing added local revenues. Service charges and fees of diverse kinds are probably

¹¹ J. W. Wood, "Airport or—White Elephant?" *Aviation* (June, 1937), Vol. 36, pp. 24-25; H. R. Reynolds, "Construction of Municipal Aerodromes," *Engineering* (December 10, 1937), Vol. 144, p. 672; F. C. Breckenridge, "Trends in Aviation Lighting," *Transactions of the Illuminating Engineering Society* (March, 1938), Vol. 33, pp. 262-276; W. R. Macatee, "Airport Runway Cross-sections and the Trends in Design," *Roads and Streets* (February, 1939), Vol. 82, pp. 36-43; Sterling R. Wagner, *The Modern Airport* (New York State College of Forestry at Syracuse University, Syracuse, 1931), 109 pp.

¹² A. A. Anderson, "Concrete for Airport Runways, Aprons, Taxi Strips and Pavements," *Aero Digest* (October, 1937), Vol. 31, pp. 25-26; J. S. Wynne, "Air Depots Ten Years Ago and Today," *United States Air Services* (July, 1937), Vol. 22, pp. 17-18, 31; T. W. Dix and G. A. Reed, "Development of Inter-City Airport," *Aero Digest* (June, 1937), Vol. 30, p. 36; N. Norman, "Aerodrome Design," *Royal Aeronautical Society Journal* (April, 1937), Vol. 41, pp. 284-297, 305; Unsigned, "Construction of Toronto's Two Airports," *The Canadian Engineer* (August 9, 1938), Vol. 75, pp. 8-13.

¹³ Unsigned, "Airport Support for Municipalities," *Engineering News-Record* (February 11, 1937), Vol. 118, p. 216; Unsigned, "Money for Airports: U. S. Eventually Will Help," *Business Week* (May 22, 1937), p. 20.

the largest source of potential revenue. Some American airports, notably Newark, are obtaining considerable revenue from such charges. In 1938 the British Aerodrome Owners Association issued a schedule of charges intending that it be used as the basis for a government-sponsored standard list of minimum charges for all licensed airports. The charge of a small admission fee for visitors is a generally established practice in Europe. In Amsterdam and Rotterdam the public is charged an entrance fee. An additional small charge is made for a sightseeing tour. These municipalities own the airports and receive two-thirds of this revenue, the air lines receiving the other third.

Another possible source of revenue is to make the airport a municipal recreation center. European airports have hotels, restaurants, swimming pools, football fields, and skating rinks. Most of these facilities are erected by the cities. They are leased to organizations, individuals, or air lines.

Zoning for Airports

Airports are generally classified under zoning ordinances as "business." However, some ordinances permit them in residential districts on approval of the zoning authority. The provisions of zoning ordinances which cover the separate classifications, that is, the use districts, should be uniform. The airport is a special class of use, and zoning requirements which apply to business, commercial, and residential properties cannot satisfactorily be applied to them.

With an increase in air travel and greater public interest and support, there will be a demand for legislation tending to further safe operation of the airways. Protection of the public will be extended by means of zoning, fire restriction laws, and by employing the eminent domain power to take land with compensation for a public use. It is likely that multiple-story structures, towers, high-tension transmission lines, telephone and telegraph wires, as well as air pollution from industrial establishments and other sources will be subjected to further regulations.¹⁴

¹⁴ E. M. Bassett, *Zoning, Laws, Administration and Court Decisions During First Twenty Years* (Russell Sage Foundation, New York, 1936), 275 pp.; G. B. Smith, *Law and Practice of Zoning* (Voorhis & Co., New York, 1937), 552 pp.

In its report to Congress of March 24, 1939, the Civil Aeronautics Authority recommended federal participation in a \$435,000,000 program for the development of a national system of airports. The plan calls for 3,500 airports as compared to the 2,174 airports and intermediate fields in existence at the present time. This would provide for a flying field within thirty minutes' drive of every population group of 5,000 persons or more.

An expenditure of \$128,000,000 would be necessary to improve the airports designated as air mail stops in order to raise them to an acceptable standard. While 236 places were designated as air mail stops, only 179 were receiving service on January 1, 1939, essentially because of the inadequacies of many airports.

It was also recommended that a portion of federal money granted to local governmental units for public works or work relief be allocated to airport construction and development. The total contribution of the Federal Government for materials, equipment, and non-relief supervision should be subject to increase by a special appropriation to enable part or all of the expense to be removed from local sponsors. Part of the funds should also be available for contract work on projects of particular national importance and urgency which would not readily be handled by a work-relief program.

It was suggested in the report that wherever possible the local sponsorship should be assumed by a state. In determining federal contributions for particular projects, consideration should be given to such factors as the support by the states of co-ordinated programs of airport development, their policies in protecting the approaches and airports, the practice with reference to aircraft fuel taxes, and steps taken to insure proper maintenance of airports and reasonable charges for service.

The survey classified airports into four groups. The first class includes those airports having runway lengths of 1,500 feet, the second, 2,500 feet, the third 3,500 feet, and the fourth 4,500 feet. There are as yet no airports in the United States which qualify for the fourth or highest class. There are 36 in the third class and 178 in the second. It was disclosed that seven-eighths of all

existing airports are the first (or lowest) class or else not even adequate to be listed in that group.¹⁵

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¹⁵ United States Civil Aeronautics Authority, "Report on Nation-Wide Airport Survey Sent to Congress," *Air Commerce Bulletin* (April, 1939), Vol. 10, pp. 260-261; Unsigned, "Airport Survey to Congress," *National Aeronautics* (April, 1939), Vol. XVII, p. 27; Clifford W. Ham, "Toward a National System of Airports," *Public Management* (April, 1939), Vol. XXI, pp. 104-105; United States Civil Aeronautics Authority, *Airport Survey* (Government Printing Office, Washington, D. C., 1939), 131 pp., 76th Congress, 1st Session, House Document No. 245.

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- Unsigned. "Money for Airports: U. S. Eventually Will Help." *Business Week* (May 22, 1937), Vol. 9, p. 20.
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PART VI
PUBLIC WORKS

CHAPTER XXI

ENGINEERING AND STREETS

"Public works" is an all-inclusive term generally applied to the construction, operation, and maintenance of physical structures. Probably the largest category of activities pertains to streets and highways. The design and upkeep of public buildings and the inspection of building operations which are being performed by contractors fall within the purview of public works.¹ Of growing importance is the sanitation of a city, including the collection and disposal of sewage, garbage, and refuse of all varieties.

Frequently the public works department maintains supervision over certain auxiliary activities of other departments. These include the maintenance of city-owned motor equipment and the furnishing of custodial services.² In the larger cities there will probably be a Bureau of Standards which maintains a testing laboratory. In some cases a Right of Way and Land Bureau in the Public Works Department handles real estate, leases, and rentals of all city-owned real property.

All of these activities are based dominantly on engineering background. Hence a public works office is typically engineering in character, with its designers, draftsmen, map-makers, surveyors, inspectors, and maintenance men.³

The Organization of a Public Works Department

Not so long ago it was general practice to place the public works activities of a city under an appointed board. However,

¹ Charles M. Reppert, "Serving Local Community Needs Through Public Facilities," *Engineering News-Record* (May 18, 1933), Vol. 110, pp. 620-624.

² Clarence E. Ridley, *The Public Works Department in American Cities* (Municipal Administration Service, Pub. No. 13, New York, 1929), 51 pp.

³ A. J. Hammond, "Why Public-Works Department?" *Engineering News-Record* (November 11, 1937), Vol. 119, pp. 779-780.

there is little question but that the trend today is in favor of a single head. There are few of the customary arguments in favor of board administration which are applicable to this department. In the first place, the work is based upon one accepted technology. Hence there is little room for valid difference of community opinion.⁴

The controversy, if such exists, surrounds the question of the amount of expenditure. For instance, most of the rivers and waters of the country are polluted with sewage. The technical question of how to dispose of such sewage is well settled. The controversy is whether or not the people are willing to pay for purification of the effluent. What should be done is a matter to be determined by the people or the city council, and not a board of public works. Again, there is very little of a quasi-judicial or a quasi-legislative nature in the management of a public works department. To be sure, there are such matters as the granting of permits for cutting the pavement for utility connections, hanging decorative banners across a street, and temporarily obstructing passage in a street. However, these and a variety of other matters requiring permits can be governed by general ordinance which would reduce administrative discretion to a minimum and make such acts largely ministerial in nature. The advantages of a single-headed department with a director of public works are so well established that they need no exposition.⁵

Public works activities lend themselves admirably to line and staff organization. There is probably no municipal activity where thorough and accurate staff work is more important. If public works are not properly designed and engineered, they will be useless. A bridge must not break down, a sewer cannot run uphill, and the seating benches of a municipal stadium must not collapse under the weight of a crowd. All of these exigencies can be guarded against by proper design and planning. Poor engi-

⁴ Unsigned, "American Engineering Council Urges a Public Works Department," *Mechanical Engineering* (October, 1937), Vol. 59, p. 796; F. W. Herring, "How Far Can We Go in Standardizing Public Works?" *The Annals of the American Academy of Political and Social Science* (September, 1938), Vol. 199, pp. 143-152; A. J. Hammond, G. W. Burpee, D. H. Sawyer, "Federal Department of Public Works?" *Civil Engineering* (March, 1938), Vol. 8, pp. 155-165.

⁵ William B. Munro, *Municipal Administration* (The Macmillan Co., New York, 1934), pp. 96-100.

neering may result in disaster to lives and property and the loss of millions of dollars. For this reason the public works department should be provided the strongest possible organization for engineering design and testing. The designer should be given complete freedom to determine the best possible structure to be purchased by the resources available. After that is done, provision should be made for testing and inspection during construction to see that the original specifications are complied with. Staff and line organization, providing for the separation of thought and action, can bring this about.⁶

General Engineering Activities

It has already been stated that public works administration is based upon engineering technology. Such an agency should be equipped to perform those activities customarily associated with engineering. These include mapping, surveying, the design of many types of public improvements such as curbs, sidewalks, pavements, sewers, storm drains, bridges and other structures, preparation of cost estimates, the maintenance of proper engineering records, and the inspection control of operations of private contractors. Maintenance, cleaning, and repair of public improvements may be mentioned also.

MAPPING. The basic records of public works administration are maps. Every municipality should have an accurate system of maps drawn to scale and exactly tied in to the National Triangulation System of the United States Coast and Geodetic Survey. In the making of surveys of large areas, the locations of a few points must be established with a high degree of precision. This is necessary in order to insure the accuracy of the survey as a whole. It is accomplished by triangulation, which is less expensive over a period of years and apt to be more accurate than other methods. The distance between two known points is measured directly and serves as the base line in a triangulation system.

⁶ P. A. Fellows, "Engineers in Government," *Society for the Advancement of Management Journal* (March, 1937), Vol. II, pp. 41-43; F. H. Fay, "Economic Advantages of Planning of Public Works," *Engineering News-Record* (October 28, 1937), Vol. 119, p. 722.

Distances to other points are determined by measuring the angles of the triangles and calculating the sides by trigonometry.⁷

The local mapping scheme depends on the selection of triangulation stations which should be tied in to the United States Geodetic Survey, which endeavors to cover the entire country. The most elevated points are chosen if their location is such as to provide well-shaped triangles. All stations are marked so that the points can be identified with certainty and not be disturbed. The present practice is to use bronze tablets countersunk in ledge or in concrete and cemented in place.⁸

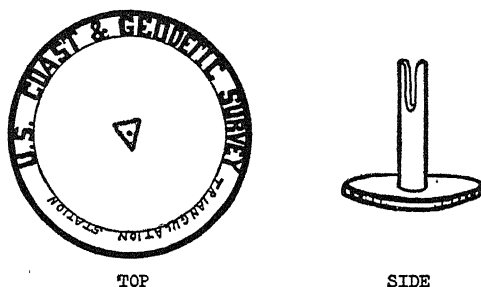


Figure 45. Triangulation Disk, Stamped to Indicate the Number or Name of the Triangulation Station

This disk is set in the top of a concrete monument.

Engineering maps have to be tied down to some particular point or points of reference by "monuments." The early surveyors of the country were careless about the establishment of monuments which would last indefinitely. They drove wooden

⁷ Charles B. Breed and George L. Hosmer, *The Principles and Practice of Surveying: Higher Surveying* (John Wiley & Sons, Inc., New York, 1938), Vol. II, pp. 3-15; T. A. Dodge, "Accurate Triangulation in Mountainous Country," *Engineering and Mining Journal* (September, 1938), Vol. 139, p. 55; M. A. Hecht, "Five Thousand Years from Now: Locating Site of Time Capsule by Triangulation," *Civil Engineering* (October, 1938), Vol. 8, pp. 704-705; R. C. Sheldon, "Practical Use of Horizontal Geodetic Control," *Proceedings of the American Society of Civil Engineers* (March, 1938), Vol. 64, pp. 550-556.

⁸ J. L. Speert, "Readjustment of Triangulation Datum," *Proceedings of the American Society of Civil Engineers* (May, 1937), Vol. 63, pp. 883-899; Unsigned, "Establishing Massachusetts Plane Coordinates," *Civil Engineering* (December, 1937), Vol. 7, pp. 825-826; C. N. Claire, "Triangulation in Wyoming," *United States Coast and Geodetic Survey* (Government Printing Office, Washington, D. C., 1938), 229 pp.; Unsigned, "Triangulation Along the Mississippi River, New Orleans to the Delta," *United States Coast and Geodetic Survey* (Government Printing Office, Washington, D. C., 1936), 320 pp.; O. S. Adams, "Development of State Grid Systems," *Civil Engineering* (January, 1937), Vol. 7, pp. 33-37.

stakes, which disappeared through rot, or else they tied into buildings and trees, which disappeared with the course of time. Hence the actual boundaries of pieces of real estate are difficult to determine in many cases. Many cities of the United States have found it desirable to make entirely new surveys, tying the topography of the municipality into the National Triangulation system. This was done for Greater New York in 1903-1908.⁹ Under such a system the city establishes permanent monuments at key places, and these are located with reference to the national maps. From these key points at the monuments, other lost monuments whose locations are on record can be relocated on the ground by means of simple triangulation. This is again an exercise in plane geometry or trigonometry, the same as figuring the height of a mountain. From the record, two angles of a triangle between two known monuments and the lost point are known. The distance between the two known monuments gives one side of the triangle. It is a simple mathematical problem to figure the length of the other two sides.

The above description of mapping expresses the ideal rather than the actuality. It would be far from the truth to give the impression that American cities are all mapped this way. As a matter of fact, some American cities do not have a unified system of basic maps.

There are many types of surface maps. One is a series of property maps showing all road and tract monuments, road dimensions, street widths, street center lines, lengths and intersection angles, easements, rights of way, and similar pertinent information.¹⁰ These maps are kept up to date by making frequent changes. They are usually bound in convenient size and filed for ready reference. Some cities also find it advisable to prepare topographical contour maps showing the altitude above

⁹ Division of Geodesy, "State Plane Coordinates," *Geodetic Letter, United States Coast and Geodetic Survey*, (January, 1937), Vol. 4, p. 2; Division of State Planning, "A State System of Plane Coordinates," *Report of the Advisory Committee on Maps and Surveys, State of New York* (Albany, August, 1938), Bulletin 36, 26 pp.; Pennsylvania State Planning Board, *A Standard System of Plane Coordinates for Pennsylvania* (Pennsylvania State Planning Board, Harrisburg, 1936), 20 pp.

¹⁰ Department of Public Works, City of Chicago, *Sixty-second Annual Report of the Department of Public Works and Annual Report of the Department of Streets and Electricity* (Chicago, December 31, 1937), pp. 321-325.

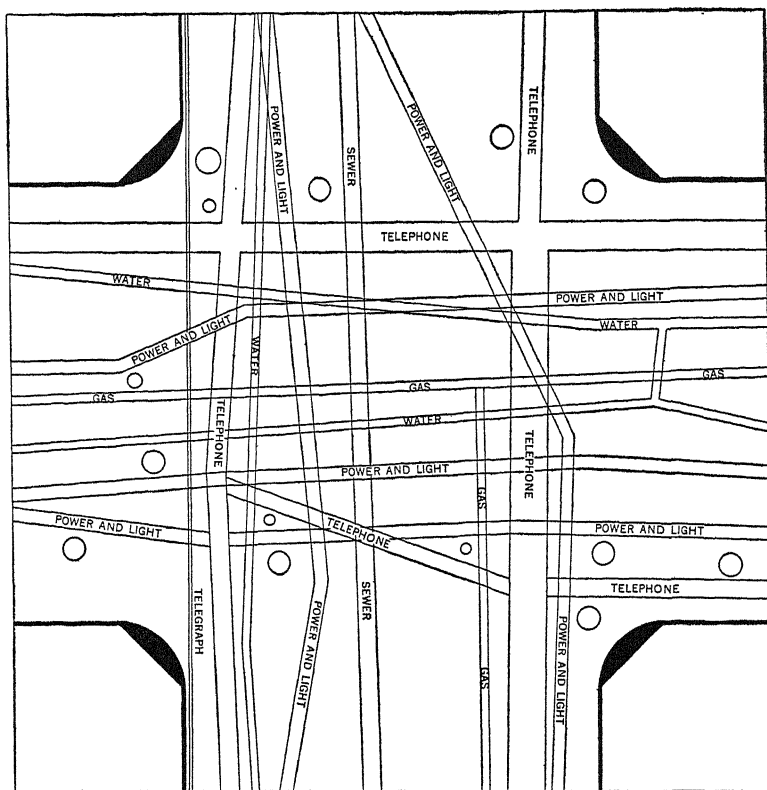


Figure 46. View of Subterranean Conduits, Water Mains, and Pipe Lines, underneath the surface of the intersection of two major streets in a large city
Circles are manholes.

sea level at all points in the city. A few cities have even gone so far as to prepare actual relief maps or models built to scale.¹¹

The maps which are all too infrequently available are those which depict the location of underground utilities. The location of the water pipes of many a city has vanished with the earthly demise of a water superintendent who carried the information in

¹¹ W. Bowie, "Map Makers and Map Users: Need for National Mapping Program," *Civil Engineering* (April, 1937), Vol. 7, pp. 273-276; G. D. Barnhart, "Progress of Control and Mapping in Florida," *Civil Engineering* (June, 1938), Vol. 8, pp. 386-387; W.S. Higginson, "Serial Photographic Mapping by United States Geological Survey," *Civil Engineering* (October, 1938), Vol. 8, pp. 663-666.

his head. An urban pavement covers a veritable wonder-world of conduits. This may be true of even a quiet residential intersection. A busy downtown corner will probably be underlaid with conduits for sewers, storm drains, electricity, gas, central heating, telephones, water, ammonia, plus an endless variety of other services. All of these should be shown on underground maps available in the public works offices of the city.

SURVEYING AND DESIGN. Engineering operations include a great deal of survey work. When a public works project is to be built, the engineers make a survey of the site. They measure the distance horizontally from the most convenient monument and make a location of the new project with reference to that monument. They also run levels of the vertical distance from convenient monuments. This is done by the instruments familiar to most laymen called "transits" and "levels." The vertical measuring rod is marked off in feet and tenths of feet. The bottom is placed on the surface of the monument while the level is set up some distance away for the purpose of taking a reading off the rod. The transit man records these successive readings in his field book. By simple arithmetic he is able to measure the vertical distance between the monument and some base point on the projected structure. Hence his records show the exact elevation of the structure with reference to any monument in the city. This type of leveling is especially necessary for the construction of sewers, storm drains, and other conduits where fluids flow by gravity.

The horizontal location of a structure is secured by measurements with a surveyor's steel tape with reference to some particular base location or monument. It may be that triangulation, as explained above, will be desirable as an aid to location.¹²

Having made their preliminary surveys, the engineers then proceed to design the structure and prepare cost estimates. These two processes go hand in hand, because cost depends very largely upon design and the material specified. In many city engineering

¹² W. H. Rayner, *Elementary Surveying* (D. Van Nostrand, New York, 1937), 380 pp.; Charles B. Breed and George L. Hosmer, *The Principles and Practice of Surveying: Elementary Surveying* (John Wiley & Sons, Inc., New York, 1938), Vol. 1, 717 pp.

departments of reasonable size, office engineers are working constantly upon these questions. In the design of a bridge, for instance, a great deal of complicated mathematical computation is involved. These engineers also are familiar with construction costs, and they have available guides and printed information indicating how to figure the costs of particular types of construction.

PUBLIC WORKS RECORDS. A basic record of an engineering department is the field book of the engineer who makes the survey. Such a book contains the original data as taken and recorded in the field. Thus in the City of Los Angeles there are on file almost twenty thousand such field books, with an estimated value of \$10,000,000.¹³ Any question which may arise in the years to come can be traced back to the original records in these field books. An engineering office will also have innumerable types and varieties of maps, plans, photographs, deeds, completed surveys, and reports. These records should be kept in waterproof and fireproof vaults and used in such a manner that the information will not be lost.

Business Aspects of Public Works Administration

THE CONSTRUCTION PROBLEM. There are, in general, two methods of constructing a public works project. One is doing it by force account. This means that the city hires its own labor and proceeds to the building of the structure itself. The other is to engage a private contractor to do the job in accordance with previous agreements relative to specifications and cost. "Where fair competitive bidding can be had it is usually safer for a city to rely on experienced contractors, working to rigid specifications under careful city supervision and inspection."¹⁴ The chief hazard to contract work is collusive bidding wherein the contractors get together and agree to share the business at higher prices. These hazards can be guarded against by threatening to do the work on force account and by advertising for outside and

¹³ Board of Public Works, City of Los Angeles, *Annual Report, 1937-1938*, p. 18.

¹⁴ The Institute for Training in Municipal Administration, *Municipal Public Works Administration* (Chicago, 1937), rev. ed., mimeo., p. 232.

nonresident contractors to submit bids. Some cities have found it effective to maintain a regular construction division fully equipped to compete with private contractors. These divisions submit bids automatically in competition with the bids of contractors.

Contracts are usually required by law to be awarded by competitive bidding. Prior to submitting their bids, contractors should be required to qualify by furnishing evidence of their plant and equipment, organization, experience, and financial condition. Widespread bidding should be stimulated by careful advertising. It is usually required that each bidder submit a check covering a certain percentage of the bid in order to indicate his serious intentions and the possession of financial resources. It is also customary to require him to put up a surety bond as a guaranty that the work will be completed in accordance with the agreement. The bids are submitted in sealed envelopes, which are opened publicly at a stated time and place, with interested parties present. The purpose of this is, of course, to guard against favoritism, graft, and collusion.¹⁵

After construction is begun it is necessary that the city keep its own inspectors on the job. This is to make certain that the specifications are lived up to. There are three points at which inspection must take place. The first is at the factory where items such as machinery, plumbing, and piping are examined. The second is at the city testing laboratory, where a wide variety of tests is run. The best example is the test of concrete mix. Then inspectors must be present to watch constantly the course of construction. These men are in a position to harass the contractor unnecessarily or to aid and co-operate to the ultimate advantage of both contractor and city.

In the past there have been instances where it was found that engineering inspectors were on the payroll of contractors, receiving illegal payoff.¹⁶ This is a problem which is very difficult to handle. To do a good job an inspector should be amicable with

¹⁵ Lent D. Upson, *Practice of Municipal Administration* (D. Appleton-Century Co., New York, 1926), pp. 418-423.

¹⁶ Bureau of Municipal Research of Philadelphia, *Public Works Inspection in Philadelphia* (The Bureau, Philadelphia, October 1, 1933), mimeo., 32 pp.

the contractor. Honest contractors will often appreciate the thoroughly honorable and sincere aid which an inspector can give them. This may result in giving gratuities, even in many instances where no *quid pro quo* is expected. However, there is no question but that such gratuities should be discouraged. The proper relationship is where contractor and inspector work together to bring the maximum benefit to both the former and the city. To this end it is desirable that public works inspectors receive adequate salaries.

CONTROL AND MAINTENANCE OF AUTOMOTIVE EQUIPMENT. A pressing problem and one wherein economies are made with considerable facility is the control of transportation expense. It is now becoming common to provide some form of centralized control of all transportation facilities. It is well known that if employees are permitted to operate city-owned equipment without supervision, the privilege will be abused. It is also known that if either flat or mileage allowances are made for privately owned automobiles, these will get out of line if not properly controlled.

Today most well-run municipalities are securing accurate costs of motor vehicle operation. They are centralizing the shop and maintenance activities, usually in the public works department.¹⁷ Central pools are provided wherein individuals who do not use cars regularly may requisition them when needed. In such cases the mileage is measured and a transfer of funds is made from the departmental budget to the auto pool revolving fund. If an allowance for depreciation is included in this charge, money for the purchase of new automobiles is constantly being accumulated.

Many cities are requiring that municipally owned automobiles be placed in the municipal garage each night in order to counteract the private use that would inevitably result if employees were permitted to garage such equipment at home over night. Mileage allowances for private equipment used by employees have been regulated in a number of ways.¹⁸ In the first place, the cost

¹⁷ The Institute for Training in Municipal Administration, *op. cit.*, pp. 254-256.

¹⁸ C. A. Crosser and W. A. Gray, *Municipal Motor Equipment* (Municipal Administration Service, New York, 1929), pp. 10-19.

accounts upon the city-owned equipment will serve as guides in determining the actual cost of operating automobiles. In the second place, routes can be laid out and the actual mileage required to cover particular types of work measured. On the basis of these calculations, limits can be placed upon the total mileage allowed per month for a privately owned vehicle in the city service.

The centrally operated garage and repair shop should provide for preventive maintenance. This means that every truck and automobile should be required to come into the central shop periodically for service and inspection. It is well agreed in fleet operation that such periodical inspection permits the discovery of incipient breakdowns, thus enabling early repairs to obviate the necessity for major ones later on.¹⁹

PUBLIC WORKS ACCOUNTING. In order to provide a proper control over the many activities included under Public Works, an accounting system should be set up that will reflect present conditions and act as a forecast for future budget estimates. Equipment used in public works, city pavements, sewage, water, and lighting systems depreciates. To compensate for this depreciation, accounts reflect increased purchases, repairs, and payrolls. Also, unforeseeable conditions cause additional expenditures which must be provided for. Guesswork cannot be employed in estimating a city budget.²⁰

Public works administration is especially well adapted to work measurement. It is becoming general practice to set up work units. Examples are the ton of garbage removed and the ton of garbage disposed of. This type of work unit can be established for most of the operations of a public works department. They are based upon a flow of records from the lowest worker to a point in the administration where they are assembled. This permits setting up cost standards on the basis of past costs for the same type of operation. Such unit costs are invaluable in con-

¹⁹ George A. Terhune, *Survey of the Privately-Owned Car Plan of Municipal Transportation* (Los Angeles City Department of Public Works, 1930), 21 pp.

²⁰ Donald C. Stone, *The Management of Municipal Public Works* (Public Administration Service, Chicago, 1939), p. 91 ff.; William F. O'Connor, "How to Obtain Accurate Cost Records for Public Works Accounting," *Public Works* (December, 1938), Vol. 69, pp. 25-26.

trolling present operations and planning the budget for the coming year.²¹

Streets and Public Ways

DETERMINATION OF STREET CAPACITY. Street capacity is determined on the basis of the number of vehicles per hour going both directions at the peak load. This will have to be reduced to traffic lanes available for the handling of such traffic. The width of a traffic lane has been expanded until now ten feet is considered an absolute minimum, with eleven and twelve feet being adopted as standards in more recent construction. Drivers of automobiles will not channelize themselves into more narrow lanes, preferring to proceed in single-file rather than take the chance of sideswiping. The older sections of the city cannot be rebuilt along these lines except by cutting down the faces of buildings. This frequently costs millions of dollars per mile. Recent examples of this type of widening are to be found in Woodward Avenue, Detroit, and Wilshire Boulevard, Los Angeles. In the undeveloped sections of the city it is possible to do a certain amount of planning streets in advance. Streets to be opened in the future and those for which widening is contemplated can be shown on the master plan and official map. This will preempt that street area and prevent structures from being erected in the path.²² In the residential districts it is a good idea to reserve street areas wider than the pavement initially needed. This will permit the expansion to meet the needs of future traffic growth.

TYPES OF STREETS. Residential streets are divided into two varieties—those carrying through traffic and those with a small amount of such traffic. There are also two types of business streets—those in the retail areas and those in the wholesale and manufacturing districts. There are also two types of boulevard or arterial streets. The first is meant for passenger traffic only

²¹ William E. O'Brien, "How Public Works Records Aid in Budget Control," *City Manager Year Book, 1932* (The International City Managers' Association, Chicago, 1932), p. 140; *Manual of Public Works Records and Administration, Flint, Michigan* (Public Administration Service Monograph No. 35, Chicago, 1933), 72 pp.; The Institute for Training in Municipal Administration, *op. cit.*, pp. 290–344.

²² See Chapter XII.

and the second for mixed traffic. Much attention is now being given to free ways and parkways.²³ A free way is a thoroughfare across which no traffic is permitted. Thus one may enter the express system in New York and drive on a through traffic street the entire length of the island of Manhattan, a distance of fifteen miles, without ever encountering cross traffic. Now and then there will be entrances and exits, but these are so arranged as not to interfere with the normal flow of traffic at thirty-five miles per hour.²⁴

A parkway is a street from which abutting business is barred. In some cases there may be businesses abutting upon service streets paralleling the parkway. In this case no retail establishment borders the main traffic channel, but there may be entrances and exits from it to a service way running parallel. According to general understanding, however, a parkway is a street running through a park or connecting one park to another. In the newer sense in which the word is being used in the New York area, a parkway is a park "free way." The center strip and the side areas are in lawns, shrubs, and trees. Examples of parkways are the Fairmont Parkway in Philadelphia and the Midway Parkway near the University of Chicago. Cross traffic is permitted at several points on these parkways.²⁵

STREET STRUCTURE. The width of a street should be determined, as stated above, upon the basis of the number of traffic lanes needed, with a minimum of ten feet for each plus an eight-foot parking area on each side. The grades of these streets should

²³ J. Nolan and H. V. Hubbard, *Parkways and Land Values* (Harvard University Press, Cambridge, 1937), 135 pp.; J. P. Hallihan, "Super-highways," *Proceedings of the American Society of Civil Engineers* (August, 1934), Vol. 60, pp. 816-817; Jac. L. Gubbels, *American Highways and Roadsides* (Houghton Mifflin Co., New York, 1938), 94 pp.

²⁴ Raymond J. Harrington, "The Elevated Public Highway Along the Hudson River Waterfront in the Borough of Manhattan," *The Municipal Engineers Journal* (Third Quarterly Issue, 1934), Vol. 20, Paper 174, pp. 116-130; Unsigned, "New York City Opens Toll Parkway," *Engineering News-Record* (December 24, 1936), Vol. 117, p. 887.

²⁵ C. M. Noble, "Modern Express Highway," *Proceedings of American Society of Civil Engineers* (January, February, March, May, 1937), Vol. 63, pp. 175-197; 353-360; 588-593; 937-968; W. W. Horner, "Non-Stop Express Highway Being Built in St. Louis," *Engineering News-Record* (December 19, 1935), Vol. 115, pp. 846-849; J. C. Black, "Saint Louis Express Highway," *Roads and Streets* (October, 1936), Vol. 79, pp. 21-28; Unsigned, "160-Mile Elevated Super-highway System Proposed for Chicago," *Roads and Streets* (December, 1933), Vol. 76, pp. 433-437.

be established on engineering maps on record in the public works office. By "grade" is meant the degree of variation from the pure level. A grade in excess of 5 per cent presents hazards. Modern road design attempts to reduce these grades to the minimum. However, the engineers have to be careful not to cut a street deep through a hill in such a manner as to destroy the approach of abutting property. The city may become involved in heavy damage suits where such action affects the value of real estate.

The "crown" of a road is the rise in the cross section from the lowest to the highest point. Usually streets are constructed so that the center is slightly higher than the edges. This is for the purpose of drainage. Water drains to the curb gutter at the side and flows toward a catch basin usually placed near the intersection. A catch basin is an opening into the storm sewer. It is called a catch basin because beneath the surface there is a box which traps the debris. Street cleaning crews can open the door to this box and remove the debris from time to time.²⁶

TYPES OF PAVEMENT. The most familiar types of pavement are sheet asphalt, asphaltic concrete, cement concrete, and macadam. Sheet asphalt is made by mixing asphalt with a fine sand and other binding material and rolling it in a thin layer on top of a foundation, usually concrete. Asphaltic concrete is the asphalt pavement with a coarser appearance used on heavy traffic streets. It is made in much the same manner as sheet asphalt except that coarser material has been added. Cement concrete is the familiar concrete pavement.²⁷

Macadam is of two varieties: the first, the water bound, has been in use for decades. It consists of broken stone which has been rolled into a surface. The fine dust coming in contact with water produces a reaction similar to that produced by the hardening of cement. A type of macadam which is widely used in the building of rural highways and residential streets is bituminous or asphaltic macadam. This is of two varieties. In penetration

²⁶ Austin F. MacDonald, *American City Government and Administration* (Thomas Y. Crowell, New York, 1936), pp. 521-529.

²⁷ Bureau of Public Roads, "The Effect of Using a Blend of Portland and Natural Cement on the Physical Properties of Mortar and Concrete," *Public Roads* (October, 1938), Vol. 19, pp. 153-166.

macadam the oil is sprinkled on top of the stone layer which is already in position. Mixed bituminous macadam, on the other hand, is a mixture of oil or tar with crushed rock, the mixture having been made in advance. In this case the ready-mixed surface material is rolled into position.²⁸

Stone-block and brick pavements are common in the warehouse districts, on river fronts and levees, between street car tracks, and on steep grades. The depression has brought about experiments with the cheaper forms of oil and tar mixtures for residential streets. Many cities have put in their own asphaltic mixing plants. There oil and tar are mixed with crushed rock and transported by truck to the place where needed. A three-inch layer of this type of mixture wears very well under light traffic where climatic conditions are not too severe.²⁹

PATENTED PAVEMENT. There are upon the market a number of paving mixtures with patented names and ingredients. The marketers of these products endeavor to impress the city council and abutting property owners with the superiority of their surfaces. It seems well agreed in engineering circles, however, that a city which has a good testing laboratory and inspection facilities and which possesses reliable engineering services has little or nothing to gain by paying the higher price for patented pavements. All of the essential qualities of patented pavements can be secured on open specifications properly prepared. However, many patented pavements are quality products, with the result that a small city without complete engineering services may benefit by relying upon the reputation of a patented product.³⁰

STREET MAINTENANCE. Street maintenance has to do with keeping the streets in repair. It is usually carried on by gangs of maintenance men or in some cases a lone patrolman. They carry with them or have available in convenient locations such materials as are needed. These may include tar and asphaltic mixtures

²⁸ L. M. Arnis, "Developments in Construction and Design of Concrete Pavements," *Roads and Streets* (January, 1939), Vol. 82, pp. 47-50.

²⁹ American Public Works Association, *Standard Specifications for Public Works Construction* (Chicago, 1937), Sec. G, 83 pp., loose leaf.

³⁰ The Institute for Training in Municipal Administration, *op. cit.*, p. 17 ff.; D. D. Williamson, "Trends in Asphalt Construction," *Roads and Streets* (January, 1939), Vol. 82, pp. 35-39.

which are poured into cracks and fissures. Most motorists are familiar with the symmetrical piles of ready-mixed maintenance material along highways.

During the depression city streets have, for the most part, been maintained on a scale far below needs. It is a mistaken idea on the part of laymen that maintenance of physical structures, whether they be streets, buildings, or machinery, is one of those things which can be put off until next year with impunity. A tax-levying body under pressure for economy searches every budget item for a convenient cut. Low maintenance of physical structures often shows to the lay public only after a term of years, but by that time a replacement outlay is necessary at a cost probably much in excess of what normal maintenance would have been.

STREET CLEANING. Street cleaning is usually carried on in three ways. Most familiar is the patrolman or "white-wing." He is the man in uniform who goes along with a broom and a bucket on wheels sweeping the gutter. The second form of cleaning is gang cleaning, where a number of laborers accompany a truck. They sweep the debris in piles, which are shoveled into the body of the truck.

Another form of street cleaning is by machine. The machine is a combination rotary sweeper and cleaner. The machine most widely used consists of a horizontal roller broom, supplemented by a vertical one which gets down into the corners of the curb. As these two brushes loosen the dirt and debris, a device picks it up into a container carried on the vehicle.³¹ A fourth form of street cleaning is flushing. The downtown sections of cities are flushed quite regularly, often daily, during the light traffic hours of night.

It has been said that "with few exceptions the people of American cities do not demand exceptionally clean streets and are not willing to pay for this high degree of service."³² A great

³¹ F. J. McDevitt, "Municipal Street Cleaning," *The American City* (June, 1937), Vol. 52, pp. 89-92; J. S. Flockhart, "Street Sanitation," *Municipal Sanitation* (January, February, 1937), Vol. 8, pp. 82, 85, 86; 136-139; N. G. Wilson, "Street Cleansing and Refuse Collection," *Public Cleansing* (June, 1936), Vol. 26, pp. 374, 376-377.

³² Committee on Street Cleaning, *Street Cleaning Practice* (American Public Works Association, Chicago, 1938), p. 95.

deal can be done to maintain a clean city by instilling in the people a desire for such cleanliness. With this end in view, many cities have conducted "Clean City Campaigns" through the schools and by the use of public posters. Most cities provide for litter receptacles in the downtown district. A large part of the problem of cleaning streets consists in making the public so conscious of the problem that individuals habitually will refrain from casting off refuse.³³

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³³ N. G. Wilson, "Litter Problem," *Public Cleansing* (February, 1937), Vol. 27, pp. 152, 154-162; B. H. Knight, "Roads and Public Health," *Surveyor* (July 16, 1937), Vol. 92, pp. 76-77.

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CHAPTER XXII

SANITATION AND WATER SUPPLY

Practically all of the water sources in the populated sections of the United States are polluted by sewage containing human wastes. In 1935 the National Resources Committee reported that the sewage from approximately 40,000,000 urban inhabitants is discharged into rivers, lakes, or the sea without any treatment.¹ In those areas where there is a concentration of industry the streams also receive a large quantity of discharged manufacturing waste. Thus the Ohio River carries the sewage of the great cities of Pittsburgh, Cincinnati, and Louisville, in addition to the oil, acids, and chemicals discharged by the factories of that heavily industrialized area.² The greatest single source of industrial pollution in the Ohio basin is acid mine drainage. Yet many of these cities take their water supply either directly from the river or one of its tributaries.

It is not necessary to resort to tabloid sensationalism to illustrate the serious nature of sewage pollution. The following quotation is taken from an official report issued by a joint commission representing the states of New York, New Jersey, and Connecticut. It depicts the conditions in New York Harbor in 1932.

The quantity of sewage discharged into the harbor waters of the district is estimated to be one billion gallons daily, which in a year would carry a million, six hundred thousand tons of sewage solids into the surrounding waters and one-half

¹ National Resources Committee, *Report on Water Pollution by the Special Advisory Committee on Water Pollution* (Washington, D. C., 1935), mimeo., 96 pp.

² United States Public Health Service, *A Study of the Pollution and Natural Purification of the Ohio River* (Government Printing Office, Washington, D. C., 1923), Part I, Public Health Bulletin No. 131, pp. 23-47; Part II, Public Health Bulletin No. 143, 1924, pp. 2-7; Part III, Public Health Bulletin No. 146, 1925, pp. 2-4; Unsigned, "Stream Pollution in the Ohio Basin," *Civil Engineering* (January, 1937), Vol. 7, pp. 55-61.

of that would be putrescible matter. The quantity of sewage discharged into the harbor has for years exceeded the assimilating power of the water.

The assumption has persisted for many years that the sewage and other organic matter discharged into these waters is promptly carried away by the vast quantities of pure water of the Hudson River and the tidal action of the sea through Long Island Sound and the Bay. It has been demonstrated that this is not a fact. The tidal movement in its ebb and flow merely causes the sewage to drift back and forth indefinitely in the bay and in some of the tidal rivers adjacent. Extensive dredging operations have to be carried on each year in order to free the slips and channels of sludge and other deposits.³

In justice to the city of New York and the state of New Jersey it must be stated that serious efforts are now being made to overcome this situation by the erection of sewage treatment plants. In 1938 New York City had provided for the treatment of approximately 20 per cent of its sewage and projects were either under construction or planned for 100 per cent treatment.⁴

In the last few years New Jersey has to a large extent lessened the pollution of its streams. Formerly the raw sewage of several communities, as well as trade wastes, had been discharged into the Rahway River. This was also true of the Elizabeth River, which in addition received chemical and oil wastes. Likewise, a considerable amount of domestic sewage and untreated industrial waste was emptied into the Raritan River. At least thirteen new sewage treatment plants have been constructed, and rapid progress is being made in alleviating the pollution in the different rivers. However, the treatment of all industrial wastes must be put into effect before this pollution problem can be properly solved.⁵

It can readily be seen that the pollution of watersheds constitutes a public health hazard of the first order. Also of importance

³ Tri-State Treaty Commission (New York-New Jersey-Connecticut) for Abatement of Pollution of Harbor and Coastal Waters of Metropolitan Area, *Final Report of the Joint Commission* (Albany, 1932), p. 6.

⁴ Unsigned, "Interstate Sanitation Commission Starts Work on Pollution Abatement," *The American City* (May, 1937), Vol. 52, p. 93; Department of Sanitation, City of New York, *Annual Report of 1937* (New York, 1938), p. 6.

⁵ Willem Rudolfs, "New Jersey's Progress in Alleviating Stream Pollution," *Water Works and Sewerage* (March, 1938), Vol. 85, pp. 165-171.

is the fact that it tends to destroy fish and game life and reduces the recreational value of streams, lakes, and beaches. Bacteria dangerous to human health are carried in sewage. Chief among the water-borne diseases is typhoid. Because of widespread pollution, the practical elimination of this disease in recent years has been achieved only at the expense of elaborate and expensive methods of water treatment which the water supply plants have had to install. That is the reason for the strong chlorine taste occasionally present in the water supply of Chicago. That city has installed a commendable sewage disposal system in recent years, as has Milwaukee, but pollution of the south end of Lake Michigan still exists from Indiana and Michigan sources, with the result that Chicago must adopt water treatment.⁶

While the treatment and disposal of sewage has a definite public health aspect, the techniques involved are dominantly of an engineering nature. Hence the disposal of municipal wastes is ordinarily a public works function.⁷ In the field of sewage and water, however, the public health people should be in constant contact with the condition of the water supply. This is essentially what occurs in the cities which take their water supply from sources with strong possibility of pollution. Thus the health department of the city of Chicago makes many tests daily of the water as it comes from Lake Michigan. In some states there is a sanitary division of the state health department which has certain powers of administrative control over local water supply and sewage disposal. This has even gone to the extent in some cases of giving the state health department the power to require cities to provide adequate sewage treatment.⁸ This problem is also tied in with the function of plumbing inspection. It was

⁶ R. T. Reilly, "Water Supply Filtration and Sewage Treatment in Cities Bordering Lake Michigan," *Journal of the American Water Works Association* (July, 1936), Vol. 28, pp. 896-907; Loran D. Gayton, "Chicago's New Cermak Pumping Station," *Water Works and Sewerage* (October, 1936), Vol. 83, pp. 365-369; A. E. Gorman and H. H. Gerstein, "Chicago's Modern Chlorinating Plant," *Water Works and Sewerage* (December, 1936), Vol. 83, pp. 451-454.

⁷ Donald C. Stone, *The Management of Municipal Public Works* (Public Administration Service, Chicago, 1939), p. 263 ff.

⁸ Leo T. Parker, "Validity of Laws to Protect Water Supplies from Pollution," *Municipal Sanitation* (August, 1936), Vol. 7, pp. 286-287; Unsigned, "Philadelphia Being Forced to Treat Its Sewage," *Water Works and Sewerage* (September, 1938), Vol. 85, p. 894; George F. B. Appel, "Some Legal Aspects of Financing Sewerage Projects in Pennsylvania," *Water Works and Sewerage* (August, 1938), Vol. 85, pp. 762-764.

found, for instance, that the epidemic of amoebic dysentery in Chicago during A Century of Progress Exposition in 1933 could be traced to two major sanitary defects.⁹ These were cross-connections between a sewer and a condenser water system and a sewer leak around a wooden plug over a cooled drinking-water tank. The water supply became polluted with sewage, resulting in the water-borne infections. There should be effective supervision of the installation of plumbing in new buildings and of alterations in old ones. It would be advisable to prohibit the installation of hazardous cross-connections and to detect and remove the existing ones.¹⁰ Hopeful signs are the recent tendency toward more thorough inspection of plumbing and the invention of devices to prevent the interchange of sewage and water.

Thus far we have been talking exclusively about sanitary sewers. However, most cities have found it necessary, also, to provide some means of disposing of excess storm water. This can be done either by building separate storm drains or by a combined storm and sanitary sewer.¹¹ The trend is toward the construction of the separate system except in those cities where combined systems were constructed many years ago.¹²

Financing Sewers

The construction and maintenance of sewers in the cities of the United States had been financed almost entirely by taxes and special assessments until 1930. However, even prior to that date there had been some experimentation with the financing of sewers by service charge. This movement was given great impetus by the public works program of the New Deal. Between

⁹ United States Public Health Service, *Epidemic Amoebic Dysentery. The Chicago Outbreak of 1933*. Bulletin 166, National Institute of Health. (Government Printing Office, Washington, D. C., 1936), pp. 62-91; Unsigned, "Inspections Eliminate Cross Connections," *The American City* (January, 1939), Vol. LIV, p. 9.

¹⁰ George J. Toman, "Cross Connections and Their Public Health Importance," *North Dakota Water and Sewage Works Conference Official Bulletin* (June, 1936), Vol. 2, pp. 3-5; Arthur E. Gorman and Abel Wolman, "Water-Borne Outbreaks in the United States and Canada, and Their Significance," *Journal of the American Water Works Association* (February, 1939), Vol. 31, pp. 225-275.

¹¹ Leonard Metcalf and Harrison P. Eddy, *American Sewerage Practice* (McGraw-Hill Book Co., New York, 1928), Vol. I, pp. 237-248.

¹² Ernest W. Steel, *Water Supply and Sewerage* (McGraw-Hill Book Co., New York, 1938), pp. 332-333.

1932 and 1938 there were more than 1,300 new sewage plants built in the United States, 89 per cent of which were constructed with federal aid. The United States Government paid from 45 to 90 per cent of the cost.¹³ Cities have always had a great deal of difficulty in securing bond issues to finance sewage disposal plants. Politicians have hesitated to incur such obligations because sewers are underground where no one sees them, and the voters have tended to oppose bond issues for this purpose.

Stream and beach pollution have not aroused public opinion, at least not to the extent that the hazards of the situation would seem to warrant. This is illustrated by the fact that a colorful mayor of a great city could once campaign on the promise to discontinue the chlorination of water. When the United States Public Works Administration made grants available for the construction of sewage disposal plants in 1930, many city officials who wanted to take advantage of such grants found that they were unable to secure the authorization of a general bond issue or else that the city was bonded in excess of its legal limit. The result was the stimulation of state legislation which permitted the organization of sewage disposal "authorities" financed by service charges. Under this legislation, funds are to be raised by the issue of revenue bonds exempt from the legal debt limit. A "revenue bond" is a bond upon which principal and interest are paid from the earnings or revenue of the enterprise being financed. The courts generally have held that where the statute so provides, such bonds are not obligations of the general government and thus are not subject to ordinary debt limitations.¹⁴ A city might finance improvements by this method when it would be otherwise impossible because of legal restrictions.

The term "sewer rental" refers to a service charge made for the use of the sewerage system and the treatment works. In

¹³ Lewis V. Carpenter, "Progress in Sewerage and Sewage Treatment," *Water Works and Sewerage* (February, 1939), Vol. 86, pp. 45-55; Frank W. Jones, "Operation of Sewer Rental Laws," *Sewage Works Journal* (January, 1931), Vol. III, pp. 97-101; Harrison P. Eddy, "Methods of Financing Sewerage Systems," *Engineering News-Record* (November 6, 1930), Vol. 105, p. 727; Howard R. Green, "Financing Sewage Disposal," *Sewage Works Journal* (March, 1932), Vol. IV, pp. 288-295; J. P. Hallihan, "Financing Public Improvements Through Service Revenues," *Engineering News-Record* (May 18, 1933), Vol. 110, p. 650.

¹⁴ E. H. Foley, Jr., "Revenue Financing of Public Enterprises," *Michigan Law Review* (November, 1936), Vol. 35, p. 39.

some instances it is applied to the treatment plant only, but the trend is toward its application to the entire sewerage system. The revenue from these charges may be used to defray the costs of operation, maintenance, and debt service. This type of revenue has been used to pay for the construction of sewage plants. The sewer rental method is not restricted to revenue bond financing. It may be applied in states without enabling legislation for revenue bonds.

Enabling legislation for financing by means of sewer rentals and revenue bonds has been enacted in more than thirty states. Cities in approximately twenty-five states are charging sewer rentals under these acts. There are municipalities in seven other states which are using the sewer rental method under charter provisions or through interpretations of existing state laws. A recent survey of seventeen states showed that ninety-two cities were charging sewer rentals.¹⁵

Sewage Disposal

Large urban areas in the United States are not yet served by sewers. A little over one-half of the population of this country disposes of its sewage through an independent sewerage system. In some instances the houses are furnished with modern sanitary facilities which dump into cesspools on the premises. Not long ago the health officer of a New England city stated in his annual report that the overflowing cesspools constituted "a public nuisance, disgrace and a potential menace to public health."¹⁶ Furthermore, the urban areas of the United States are far from being free from the old-fashioned privy. These constitute a hazard to health where the water supply is taken from wells in the vicinity.

City governments generally, however, are responsible for disposing of large quantities of sewage after it has been collected and transported in the sewers. Chicago's sewage is now treated

¹⁵ W. F. Tempest, "Sewerage Financing," *Water Works and Sewerage* (January, 1939), Vol. 86, pp. 37-39; Robert A. Allton, "Developing a Sewer Rental Plan," *Water Works and Sewerage* (September, 1938), Vol. 85, pp. 852-854.

¹⁶ City of Worcester, Massachusetts, *Department of Health Annual Report for Year 1934* (Worcester, 1935), p. 772.

and the effluent¹⁷ is discharged into the Chicago River, the flow of which has been reversed by directing Lake Michigan water into it. For many years this was a point of contention and litigation involving the states bordering on the lake, as well as Canada. It was maintained that this water diversion lowered the lake level. The matter was finally settled to permit a limited diversion on the part of the city of Chicago. Chicago had to meet this situation by installing a sewage disposal plant which would furnish a clear effluent. The process of treatment installed made the effluent clear and practically sterile, with the result that less Lake Michigan water is needed. This effluent ultimately flows into the Mississippi. Boston sewage is dumped directly into the sea, but the adjoining harbor and beaches seem to be comparatively free from pollution. This is due to the extraordinarily high tides in that area.¹⁸ Los Angeles sewage is dumped directly into the sea with only coarse screening.

There are numerous varieties of sewage treatment. It is not pertinent to our purposes to go into an explanation of the processes and compare their merits. Suffice it to say that most sewage treatment devices aim to separate the solids from the liquids and then dispose of each. Practically all procedures aim to do this, the difference being in the manner of going about it.¹⁹ Methods of treatment must be adapted to the local situation. The trend toward chemical treatment in some form is becoming increasingly popular. For instance, a city having a large number of chemical manufacturing plants will have a problem different from that of a residential city, the sewage of which is composed mostly of home wastes.

There is a marked trend toward the use of the activated sludge process in the treatment of sewage. By this method the sewage is introduced into tanks, where it is mixed with air. This is accomplished by agitating the mixture by mechanical means

¹⁷ "Effluent" means the liquid discharged from a sewage disposal plant after treatment, as distinguished from the solids, which are referred to as "sludge."

¹⁸ George W. Dakin, "Sewage Works Problems: Boston, Mass.," *The American City* (April, 1935), Vol. L, p. 9.

¹⁹ Austin F. MacDonald, *American City Government and Administration* (Thomas Y. Crowell Co., New York, 1936), pp. 683-687; S. I. Zack, "Vacuum Filters for Dewatering Sewage Sludge," *Water Works and Sewerage* (January, 1938), Vol. 85, pp. 23-28.

and providing some manner of furnishing dissolved oxygen. The process of separating the solids and liquids is thus expedited. The mixture is then permitted to flow into another tank where the solid matter settles out. The clear liquid, called effluent, is then drawn off and disposed of.²⁰

Disposal of the sludge frequently creates a problem. The city of New York dumps it into the ocean.²¹ Incineration of dewatered sludge is becoming a popular method of complete sludge disposal. It is employed in most of the new larger plants found in Buffalo, Denver, Detroit, Cleveland, Columbus, Minneapolis, and St. Paul. The Chicago plant also uses flash drying and incineration.²² Pasadena dries its sludge and sells it as fertilizer.²³

AIR-CONDITIONING. The contemporary stimulus given to the installation of air-conditioning equipment has created a serious sewage problem. Air-conditioning requires large volumes of water, especially during the season of peak consumption. This situation has overtaxed the sewer capacity in many cities. It has even been said that some cities have had to refuse permits for the installation of additional units. It is a problem which also concerns water supply, for if installations continue at an increasing rate the per capita consumption of water must take a sharp rise.²⁴

With the use of modern equipment, however, the difficulties in the solution of the problem with reference to both water distribution and sewerage systems should be less serious. Cooling systems which utilize the evaporative condenser use approxi-

²⁰ Leonard Metcalf and Harrison P. Eddy, *American Sewerage Practice* (McGraw-Hill Book Co., Inc., New York, 1935), Vol. III, pp. 561-597; Lewis V. Carpenter, "Progress in Sewerage and Sewage Treatment," *Water Works and Sewerage* (February, 1939), Vol. 86, pp. 45-55; Arthur J. Martin, *The Activated Sludge Process* (MacDonald & Evans, London, 1927), pp. 13-25.

²¹ Department of Sanitation, City of New York, *Annual Report 1937* (New York, 1937), mimeo., p. 11; *New Jersey v. New York City*, 296 U. S. 259, 56 Sup. Ct. 188, 80 L. Ed. 214 (1935).

²² Carpenter, *op. cit.*, pp. 45-55.

²³ *Annual Report of the City Manager, 1934-35* (Pasadena, California, 1935),

p. 9.
²⁴ L. L. Lewis, "What Air Conditioning Means to Water Utility," *American Water Works Association Journal* (June, 1937), Vol. 29, pp. 826-831; Unsigned, "Air Conditioning Makes Severe Demands on Water Supply and Disposal Systems," *Heating, Piping and Air Conditioning* (September, 1936), Vol. 8, pp. 491-494; L. D. Gayton, "Air Conditioning as a Problem of Water Distribution and Disposal," *American Water Works Association Journal* (June, 1937), Vol. 29, pp. 808-821.

mately 10 per cent of the amount of water required by the older types of equipment. Air-conditioning, therefore, seems to present perplexities only in the congested areas in cities where there are numerous installations. This may develop a concentration of demand for water and sewerage service when other requirements are heavy. Although there is not unanimity of opinion, it is believed that the problem is reasonably susceptible of an economic solution.²⁵

Collection and Disposal of Waste

A city must normally see that a considerable variety of waste materials is collected. The official concern over this problem arises chiefly from the fact that certain varieties of waste become insanitary and a menace to health. Refuse and unkempt premises also detract from the beauty and well-groomed appearance of a city. The types of waste referred to are mainly household wastes. These include garbage, non-combustible rubbish such as bottles and tin cans, dead animals, and combustible rubbish such as lawn rakings and paper.²⁶ In northern cities the removal of snow, leaves, and ashes adds an additional problem.

The degree to which the municipality takes official cognizance of wastes varies. Today most urban areas either regulate or actually conduct the collection and disposal of garbage. Official provision for the disposal of dead animals is also prevalent. Greater variation would probably be found in the official cognizance given to rubbish, whether non-combustible or combustible. Variation in the manner of collection is so great that generalization is difficult. Suffice it to say that rubbish is usually collected by either motor-driven or horse-drawn vehicles calling at the premises. There seems to be a dominant tendency in favor

²⁵ Reeves Newsom, "Water Supply Progress," *Water Works and Sewerage* (January, 1939), Vol. 86, pp. 1-9; W. V. Weir, "Methods of Meeting Peak Water Demands," *Water Works and Sewerage* (September, 1938), Vol. 85, pp. 847-851; L. L. Lewis, "Air Conditioning in Relation to Water Consumption," *American Water Works Association Journal* (February, 1936), Vol. 28, pp. 61-63, and (March, 1936), Vol. 28, pp. 318-329; E. V. Hill, "Problem of Condenser Water for Large Air Conditioning Plants," *Heating, Piping and Air Conditioning* (April, 1937), Vol. 9, pp. 233-236; E. N. Bowles, "Water Requirements of Air Conditioning Machinery," *American Water Works Association Journal* (June, 1937), Vol. 29, pp. 822-825.

²⁶ Milton J. Rosenau, *Preventive Medicine and Hygiene* (D. Appleton-Century Co., New York, 1935), pp. 1166-1174.

of having a municipality actually handle its own garbage disposal because of the higher sanitary hazard involved. However, in the case of both garbage and rubbish, it is not uncommon to license and contract with private collectors.

It is now considered feasible to dispose of garbage along with sewage solids. Several plants are considering the treatment of garbage with the sewage. The new sewage treatment plant at Lansing, Michigan, made provision for grinding garbage and digesting it with the sewage sludge. The garbage is collected in standard cans furnished by the city. It is ground and added to the digestion tanks by gravity. The sludge is dewatered on a vacuum filter and incinerated.²⁷

Grinding as a preliminary step in the disposal of garbage may be effected in three ways. One method is by the installation of the home grinder, which is attached to the kitchen sink. Another is by the construction of centrally located grinding stations. A third way is by grinding at the sewage plant. The success of these plans is partially dependent upon the sewage treatment processes to take care of the additional load of garbage solids. The first two methods presuppose that the house plumbing systems and the city sewers can pass and convey the ground garbage. Many sewage treatment plants, especially those having sludge incinerators, can readily assume the added burden of properly ground garbage in certain parts of the process. It seems that central grinding stations provide the most economical method of garbage disposal in a sanitary manner, not taking into consideration the effect of ground garbage on the sewage plant. Their proper location throughout a municipality should effect substantial savings in garbage hauling. The shorter haul per vehicle should afford more frequent collection service for each house.²⁸

METHOD OF DISPOSAL. Garbage is disposed of by dumping into large bodies of water, filling low ground, feeding to animals, incineration, and reduction. The city of New York for many years disposed of its garbage by dumping it into the Atlantic Ocean. Because the action of the tides and currents threw it up

²⁷ Carpenter, *op. cit.*, pp. 45-55.

²⁸ Mark B. Owen, *Grinding as a Process in Garbage Disposal* (American Public Works Association, Chicago, 1937), 14 pp.

on the beaches, the state of New Jersey succeeded in getting the United States Supreme Court to enjoin New York from doing this.²⁹ As a result, the city of New York immediately began the construction of incinerators. The sanitary fill method involves dumping successive layers of rubbish on layers of garbage. It is usually applied to lowlands which are to be reclaimed in this manner. Sometimes garbage is buried in furrows or pits. On other occasions it is plowed under. Hog feeding as a method of disposal is widely prevalent. The city of Los Angeles dumps its garbage upon railroad flat-cars which are hauled in trains to a ranch some fifty miles distant. The ranchers pay the city so much per ton on the basis of a sliding scale fluctuating with the price of hogs.

Incineration is becoming increasingly necessary in the dense urban areas where the older and cheaper methods of disposal are no longer available. Incineration usually results after a city has been forced to abandon cheap dumping, as was the case with New York City mentioned above. Reduction consists of treating garbage in a rendering plant to recover the greases, fats, and fertilizers. There was some impetus given to this method of disposal during the period of the World War when cheap fats brought good prices. However, the market for fats has not been high enough to stimulate this method of disposal in recent years.³⁰

Water Supply

The average urban dweller in the United States requires in excess of one hundred gallons of water per day. Of course he does not drink or consume it himself, but a complex civilization requires that amount per capita. Thus the city of New York has assured itself a water supply of approximately one billion gallons per day.³¹ To get this amount of water the great metropolitan areas, as well as cities of medium size, have had to go beyond their

²⁹ *New Jersey v. New York City*, 283 U. S. 473, 51 Sup. Ct. 519, 75 L. Ed. 1176 (1931); *New Jersey v. New York City*, 296 U. S. 259, 56 Sup. Ct. 188, 80 L. Ed. 214 (1935).

³⁰ See The Institute for Training in Municipal Administration, *Municipal Public Works Administration* (Chicago, rev. ed., 1937), pp. 97-117.

³¹ Board of Water Supply, City of New York, *Annual Report, January 1, 1934* (New York, 1934), p. 13; Department of Water Supply, Gas and Electricity, City of New York, *Annual Report, 1937* (New York, 1937), p. 14.

immediate supply of ground water from wells, even in the northeastern regions with high normal rainfall. The city of New York has had to go 100 miles to the Catskills and is now exploring the headwaters of the Delaware River for future supply. Boston has already gone 35 miles to Wachusett and has proposed future expansion to a watershed 70 miles west of the city.³² The municipalities of the arid Southwest have had to go hundreds of miles to tap the snows of the High Sierras and the Colorado River. Thus the original Los Angeles aqueduct stretches for approximately 250 miles up the east side of the Sierras and is now being extended for 100 more.³³ The city of Los Angeles and twelve neighboring municipalities have formed the Metropolitan Water District of Southern California, which has constructed an aqueduct that is bringing water 339 miles from the Colorado River. The San Francisco-Hetch-Hetchy aqueduct is 175 miles long, starting in the Yosemite Park area, running across California Central Valley, and traversing San Francisco Bay before it gets to the outskirts of that city.³⁴

Many large cities of the East take their water directly out of adjacent streams and lakes. Thus Buffalo, Chicago, Cleveland, Detroit, and Milwaukee pump their water directly from the Great Lakes. Syracuse runs an aqueduct from 30 miles away to Lake Seneca, one of the New York Finger Lakes. St. Louis takes its water from the Missouri and Mississippi Rivers, as do Louisville and Cincinnati from the Ohio.³⁵

WATER RIGHTS. The right to use specific sources of water, particularly in the arid countries, has always been a matter of contention subject to regulation by law. However, the concentration of urban population in the northeastern part of the United States has raised the question of water rights even there. When the great cities have gone out to the countryside to assure them-

³² Boston Municipal Research Bureau, *Bulletin* (August 10, 1937), 8 pp.

³³ Unsigned, "Developing a New Water Supply for Los Angeles," *Engineering News-Record* (February 25, 1937), Vol. 118, pp. 285-290.

³⁴ R. E. McDonnell, *Rates, Revenues, and Results of Municipal Ownership of Water Works in the United States* (Burns & McDonnell Engineering Co., Kansas City, 1932), p. 27.

³⁵ United States Public Health Service, *Drinking Water Standards*. Reprint No. 1029, Public Health Reports (Government Printing Office, Washington, D. C., 1931), 28 pp.; City of Cincinnati, *Report of the Water Works for the Years 1934, 1935, 1936, and 1937*, 162 pp.

selves of water supply, they have had to give heed to the rights not only of private property owners but of other cities.³⁶

The discharge of untreated or inadequately treated sewage into a stream may so pollute it that the water is offensively odorous, resulting in nuisances and perhaps the depreciation of property values. Under the common law, riparian owners are legally entitled to the reasonable use of the water in streams. If excessive pollution prevents their using the water for bathing, washing, irrigation, or the watering of stock, they may seek and receive money damages. Many states have enacted statutes which make it a penal offense to pollute streams. Municipal officials who refuse to remedy such a condition are subject to prosecution.³⁷

ADMINISTRATION OF WATER WORKS. A municipal water department is in a rather anomalous position. While it is a public utility and should be operated as a commercial enterprise, the law nevertheless recognizes it as a governmental function. The reason for this is that water supply is so intimately associated with the public health and safety. That is undoubtedly why municipal ownership is much more prevalent in the field of water than in the field of power. There are approximately 12,500 water properties in the United States, 70 to 75 per cent of which are publicly owned. About 84 per cent of the people in this country are served by publicly owned water utilities.³⁸

Municipal water executives, as do most other functional specialists, tend to prefer their own independent administrative boards. If the water department is to be run as a government-owned corporation, there is something to be said for such a set-up. However, there is no reason why in a council-manager city the water department should not be under a water superintendent responsible directly to the manager.³⁹

³⁶ Donald M. Baker and Harold Conkling, *Water Supply and Utilization* (John Wiley & Sons, Inc., New York, 1930), pp. 218-242; Samuel C. Wiel, "Fifty Years of Water Law," *Harvard Law Review* (August, 1936), Vol. 50, pp. 252-304.

³⁷ Leo T. Parker, "Riparian Rights Reviewed," *Water Works Engineering* (March 15, 1939), Vol. 92, pp. 305-307; Same author, "City Sanitation Liabilities," *Municipal Sanitation* (March, 1939), Vol. 10, pp. 149-150.

³⁸ Burns & McDonnell Engineering Co., *Waterworks Ownership in the United States* (Kansas City, 1938), 16 pp.

³⁹ William B. Munro, *Municipal Administration* (The Macmillan Co., New York, 1934), p. 584.

The superintendent of the water department in the smaller cities should unquestionably be a technical man. This also holds true for the larger cities, provided that technical and administrative ability can be found combined in one person. In recent years there has been a fairly successful movement to raise the standards of water plant superintendents and operators. This applies to the people who are in charge of the technical aspects of operation itself. Some states have even gone so far as to require certification after state examination.⁴⁰

ACCOUNTING AND BUSINESS PRACTICE. The water department should be set up with its own business office. It should mail and collect its own accounts. In small cities this operation can be combined with other municipal utilities, but in general it should be operated separately from the regular fiscal offices of the city. Theoretically the accounting systems should be set up just as any other public utility. In practice, two difficulties interfere with achieving this ideal. The first is the tendency to furnish free water to other municipal departments; and the second is the difficulty in securing a 100 per cent metered consumption.⁴¹

Municipal departments use a great deal of water. It is used to flush the streets, clean the sewers, irrigate the parks, and fight fires. Furthermore, the city's own consumption for ordinary domestic purposes is far from insignificant. On the basis of good operating practice it is desirable to have the water department bill the other departments at the regular rate for the water they use. Even though there is no actual transfer of funds, the water department should set up its accounting records on such a basis as to show the cost of furnishing those services.

Many urban water consumers of the United States are still on a flat rate rather than a metered basis. Thus the city of Sacramento, California, has almost a 100 per cent flat rate

⁴⁰ Lent D. Upson, *Practice of Municipal Administration* (The Century Co., New York, 1926), pp. 504-505; E. S. Tisdale, "Are Water-Borne Diseases Still a Menace?" *Proceedings Tenth Annual Conference, The Maryland-Delaware Water and Sewage Association* (1936), p. 44.

⁴¹ American Water Works Association, *Water Works Practice* (The Williams & Wilkins Co., New York, 1929), pp. 431-477.

basis. This is said to be due to the desire of the people to have all of the water possible for irrigating purposes. The large commercial users of water are supplied through meters at low rates.⁴² Chicago is only partly metered. In the cities of the North this matter becomes a political issue. For instance, in Chicago the water officials have long desired to expand the metered services but have not been able to do so because of popular opposition. One of the sources of such opposition is the practice of leaving the faucets partially turned on so that they will not freeze on cold winter nights. This is in spite of the fact that a recent study showed that a change to the metered basis would benefit two out of three consumers.⁴³

Even with the best possible administration, water systems are bound to have some leakage. This is due to many factors affecting the deterioration of underground pipes. One of the most important of these is electrolysis. Stray electricity from railroad tracks and underground conduits finds its way to the water mains, where it produces a form of decomposition. If a system is 100 per cent metered, it can be told with accuracy how much water is leaking and wasting away in this manner. Again, by knowing exactly how much is being used in particular portions of the city, it becomes easier to detect the location of leaks. Furthermore, metering obviates charges of favoritism, for under such a system each consumer will pay at the same rate in accordance with his consumption.

CHARACTERISTICS OF A POTABLE WATER. The most important quality of water is probably the requirement that it be free from pollution from human and animal wastes. It is customary to test water periodically by bacteria count.⁴⁴ In general, the number of bacteria in water corresponds to the amount of organic pollution. The presence of colon bacilli (*B. coli*) in larger than normal proportions indicates the possibility of dis-

⁴² Division of Water, Sacramento, *Public Water Supply of Sacramento, Its Purification and Distribution* (Sacramento, no date), 8 pp.

⁴³ Bureau of Municipal Research of Philadelphia, *Water Consumption and Metering in Philadelphia* (December, 1933), 32 pp.

⁴⁴ William P. Mason and Arthur M. Buswell, *Examination of Water: Chemical and Bacteriological* (John Wiley & Sons, Inc., New York, 1931), pp. 146-147; Samuel C. Prescott and Charles-Edward A. Winslow, *Elements of Water Bacteriology* (John Wiley & Sons, Inc., New York, 1931), p. 58 ff.

ease-producing organisms. While the most familiar water-borne disease is typhoid fever,⁴⁵ in recent years there has been strong evidence that epidemics of the digestive tract can be traced to sewage pollution of water systems. This is true of amoebic dysentery, gastro-enteritis, and various diarrheas.⁴⁶

Water which remains still and receives a considerable degree of sunlight develops vegetable growth. The minute vegetable organisms called algae cause the water to turn green and have an unpleasant odor. There does not seem to be entire agreement as to the extent to which these vegetable organisms are harmful to the human body.⁴⁷ However, there is no question but that they make the water disagreeable for human consumption and offer a technical problem to the water administrators.⁴⁸

The other difficulties relative to water purification hinge mainly upon mineral and chemical content. Thus many small cities in the Middle West which take their water from wells have to cope with a high content of iron. In other cases the water contains such a high mineral content that it is said to be "hard," thus requiring special treatment for laundry and other purposes.⁴⁹ The minerals in water sometimes create excessive boiler scale, which is the eternal irritant for steam plant operators. Sometimes a municipal water supply is taken from streams which are heavily polluted with the wastes of chemical manufacturing plants and other industrial processes. This is especially true of the heav-

⁴⁵ Arthur E. Gorman and Abel Wolman, "Water-borne Outbreaks in the United States and Canada, and Their Significance," *Journal of the American Water Works Association* (February, 1939), Vol. 31, pp. 225-275; M. V. Veldee, "An Epidemiological Study of Typhoid Fever in Six Ohio River Cities," *Public Health Reports* (June 19, 1931), Vol. 46, pp. 1460-1486; Same author, "An Epidemiological Study of Suspected Water-Borne Gastroenteritis," *American Journal of Public Health* (November, 1931), Vol. 21, pp. 1227-1235; N. R. Ziegler, "Gastro-Enteritis," *Journal of the American Water Works Association* (August, 1937), Vol. 29, p. 1152; A. V. Hardy and Bertha Kaplan Spector, "The Occurrence of Infestations With Epidemic Diseases," *Public Health Reports* (March 8, 1935), Vol. 50, pp. 323-334; D. G. Gill and J. D. McAlpine, "Gastro-Intestinal Disorder Not Proved to be Water-Borne," *American Journal of Public Health* (June, 1938), Vol. 28, pp. 741-745.

⁴⁶ Joseph P. Schwada, "Milwaukee's Water Purification Problem," *Journal of the American Water Works Association* (October, 1934), Vol. 26, pp. 1450-1491; Public Health Committee of the City Club of Chicago, *Water Purification as a Public Health Problem in Chicago* (1936), 11 pp.

⁴⁷ Jack J. Hinman, Jr., "Desirable Characteristics of a Municipal Water Supply," *Minnesota Municipalities* (September, 1938), Vol. XXIII, p. 317.

⁴⁸ P. D. Dalvi, "Prechlorination for Algal Trouble," *Water and Water Engineering* (1936), Vol. 38, p. 72.

⁴⁹ McDonnell, *op. cit.*, p. 18.

ily industrialized Ohio River watershed between Pittsburgh and Cincinnati.⁵⁰

WATER TREATMENT. There is a variety of treatments for water. Selection of the proper combination will be dependent upon the amount of money available and the peculiar needs of the

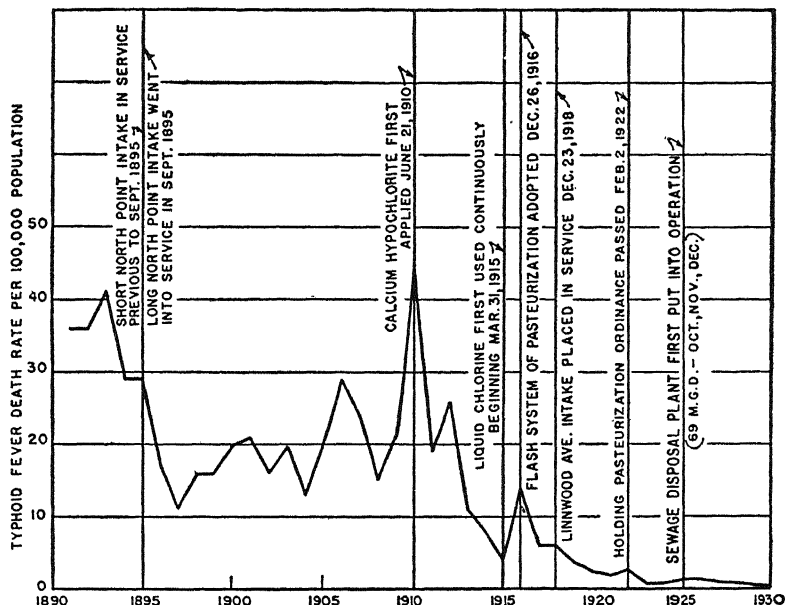


Figure 47. The Relation Between the Quality of Water Supply and Health

Typhoid fever death rate—1891 to 1930, Milwaukee. (Calcium hypochlorite applied intermittently during the following periods: June 21, 1910, to December 12, 1910; none in 1911; February 2, 1912, to March 18, 1912; April 12, 1912, to March 31, 1915.)

(From Joseph P. Schwada, "Milwaukee's Water Purification Problem," *Journal of the American Water Works Association*, October, 1934, Vol. XXVI, p. 1469.)

local situation. The most universal type of treatment is probably chlorination.⁵¹ Chlorine is introduced into the water in such a manner that relatively small portions of it spread rapidly and

⁵⁰ City of Cincinnati, Ohio, *Report of Department of Water Works* (Cincinnati, 1934), p. 1.

⁵¹ T. N. S. Raghavachari and P. V. Seetharama Iyer, "The Sterilization of Drinking Water with Minimal Doses of Chlorine," *The Indian Journal of Medical Research* (July, 1936), Vol. 24, pp. 103-108.

destroy the bacteria. However, chlorination alone is not regarded as sufficient protection against disease.⁵² The next step generally thought to be necessary is the construction of a filtration plant.⁵³

Drinking water is treated in various ways to remove objectionable tastes and odors. Activated carbon is used extensively for this purpose and in some instances is the only known means of producing palatable water. Aeration is also employed to remove objectionable odors, carbon dioxide, iron, and manganese, as well as to restore oxygen to the water.⁵⁴

There are safeguards which may be employed to prevent the growth of algae in reservoirs where drinking water is stored. It is very important that light be excluded, since darkness deprives the most troublesome microscopic organisms of energy for growth. The construction of covered reservoirs has the additional advantage of keeping out atmospheric dust and dirt. Also, birds, animals, and human beings are deprived of access to the water.⁵⁵

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⁵² Schwada, *op. cit.*, pp. 1450-1491; American Public Health Association, *Standard Methods for the Examination of Water and Sewage* (New York, 1936), pp. 19-24.

⁵³ P. G. Bird, W. H. Kirkpatrick, E. Melof, "Removal of Dissolved Mineral Solids from Water by Organic Exchange Filters," *Journal of the American Water Works Association* (October, 1937), Vol. 29, pp. 1526-1532; J. W. Ellms, "Advances in Water Purification During Sixty Years," *Water Works Engineering* (May 26, 1937), Vol. 90, pp. 666-669, 760; N. J. Howard, "Trends in Water Treatment," *Water Works Engineering* (May 26, 1937), Vol. 90, pp. 728, 731-732; J. H. Gregory, "Water Purification and Public Health," *Civil Engineering* (September, 1937), Vol. 7, pp. 621-624; F. Johnstone Taylor, *Modern Waterworks Practice* (Ernest Benn, Ltd., London, 1927), pp. 214-246; W. J. Ryan, *Water Treatment and Purification* (McGraw-Hill Book Co., New York, 1937), 242 pp.

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⁵⁵ George C. Whipple, *The Microscopy of Drinking Water* (John Wiley & Sons, Inc., New York, 1927), pp. 377-379; G. Hudson Strickland, "Water Filtration Practice in Canada," *Journal of the American Water Works Association* (December, 1938), Vol. 30, pp. 2030-2051; Herbert B. Stocks, *Water Analysis for Sanitary and Technical Purposes* (J. B. Lippincott Co., New York, 1932), pp. 7-9.

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PART VII
PUBLIC UTILITIES

CHAPTER XXIII

PUBLIC UTILITIES: REGULATION

A public utility is a business in which the public is so vitally concerned that special governmental regulation is justified. This concept of a public utility is not new, for old cases indicate that the armorer or smithy was regulated as a public utility in the Middle Ages. However, the modern American application of the principle dates from the 1876 decision handed down by the United States Supreme Court in *Munn v. Illinois*.¹

According to our courts, a public utility is a "business affected with a public interest"—that is, a business so vital to a large section of the public that the public interest outweighs the right of private persons to proceed as they wish. A business becomes a public utility usually through the following three stages: (1) popular awareness of its public nature and the need for regulation, (2) legislation which is declaratory of its nature as a public utility and which provides for special regulation, and (3) court decisions upholding such legislation and regulation. In the last analysis, judicial decision determines whether a particular enterprise is a public utility. The classification is a changing one, as evidenced by approved regulation of many businesses which were previously considered in the category of ordinary private enterprise. Also, there is no uniformity in state laws, municipal ordinances, and state court decisions which attempt to outline the limits of the public utility field. While complete and accurate enumeration is thus impossible, there is general agreement as to the public utility nature of businesses in the fields of transportation, communication, and water, gas, and electricity supply. Of perhaps greatest importance to municipal governments are street railways, bus and cab lines, and the three household utilities—water, gas, and electricity.

¹ *Munn v. Illinois*, 94 U. S. 113, 24 L. Ed. 77 (1876).

Regulation of utilities has aimed at the elimination of competition, and the business of the public utility has assumed a monopolistic character. It would be uneconomic to have competition in this particular field of activity. Thus, two sets of electric light poles running along the same street and competing for business would be socially uneconomic, because ratepayers as a group would have to pay sufficient total revenues to carry both investments. Furthermore, electric light poles, as is true in practically every municipal utility, use the public streets.

In addition to the unsound economics of duplicating capital investments unnecessarily, it is contrary to the best civic interest to clutter the streets with poles, conduits, and rails far in excess of the requirements of society. There is also the consideration that the investors in enterprises so dependent on public approbation require special protection for their capital. For all of these reasons it has long been considered proper for government to regulate public utilities.

This regulation has taken a variety of forms. One of the most important types is the franchise, under which control is based upon a contract between the city and the company. The franchise is in effect a special permit granted by the municipality permitting a public utility to use its streets in distributing services and commodities to consumers. It accords certain specific rights and privileges to, and imposes specific obligations upon, the company in supplying public utility service.² A franchise is usually granted for a specified term of years, although there is a tendency toward indeterminate grants. Frequently, the permit to carry on the enterprise is an exclusive one.³ In a few states it is granted only after a favorable vote of the electorate, while in other jurisdictions the city council has the right to grant a franchise on its own motion.

A second general type of regulation is accomplished through specially constituted administrative bodies, such as state pub-

² G. Lloyd Wilson, James M. Herring, and Roland B. Eutsler, *Public Utility Regulation* (McGraw-Hill Book Co., New York, 1938), p. 21; William E. Mosher and others, *Electrical Utilities: The Crisis in Public Control* (Harper & Bros., New York, 1929), p. 3.

³ Morris Llewellyn Cooke, ed., *Public Utility Regulation* (The Ronald Press Co., New York, 1924), pp. 40-43; Wilson, Herring, and Eutsler, *op. cit.*, pp. 24-26; National Municipal League, *A Model City Charter* (New York, 1933), pp. 91-94.

lic utilities commissions, various federal commissions where interstate questions are involved, and sometimes municipal administrative departments.

What in some respects may be considered a third type of regulation is the much discussed governmental "yardstick," as it is commonly called. Theoretically, a yardstick is a publicly owned utility which gives a measure of the cost of doing business, and thus determines what is a fair charge to the consumer.⁴ The assumption is that the public plant will demonstrate whether or not the near-by privately owned utilities are making excessive charges. To be a fair measure, the yardstick plant must meet, or account for, all of the legitimate costs with which a private company is faced, including taxes, interest charges, rentals, postage, and depreciation. It is true that a public plant exempted from some or all of these costs might be able to indicate that private company charges have been too high. However, it is not a true yardstick unless the differences in costs are taken into account. The T.V.A. is the best known of recent governmental efforts in the utility field, while a leading example of a municipally owned yardstick is the electric plant in Cleveland, Ohio, which served 53,300 consumers in 1936.⁵

Before the rise of public utility commissions the franchise was the basic regulatory arrangement. Supposedly designed to safeguard the public interest in a safe, economical, and sound utility service, it contained the stipulations, considerations, and operating understandings arrived at as a result of the dickering between the city council and the utility representatives. Some writers on the subject call this legislative control of utilities; others refer to it as a combination of legislative and judicial control. It was legislative because the franchise was essentially a law-making process, and it was judicial because the settlement of a contro-

⁴ Owen Ely, "The Yardstick Experiment," *Public Utilities Fortnightly* (March, 1935), Vol. XV, pp. 285-290; Herbert Corey, "A Yardstick That Is Not Air Conditioned," *Public Utilities Fortnightly* (September, 1936), Vol. XVIII, pp. 341-348; A. E. Morgan, "Power and the New Deal," *Forum* (March, 1935), Vol. 93, p. 131; D. E. Lilienthal "Business and Government in the Tennessee Valley," *The Annals of the American Academy of Political and Social Science* (March, 1934), Vol. 172, pp. 45-49.

⁵ Department of Public Utilities, *Cleveland's Municipally Owned Public Utilities* (Cleveland, Ohio, 1937), p. 26. The municipal light plant serves 25.8 square miles out of a total area of the city of Cleveland of 70.9 square miles.

versy relative to the obligations imposed by the franchise or the rights granted under it was decided by appeal to the courts of law. This was the typical and basic mode of regulating public utilities until the establishment of the state regulatory bodies. In those states, such as Iowa, which have not yet subjected all of the municipal utilities to a state regulatory body, the regulation process is essentially legislative and judicial.⁶

Frequently a city council exercises regulatory power outside the scope of the franchise by enacting ordinances. Franchises have usually been granted for a term of years, for example, twenty or twenty-five. The utilities disliked this situation because the expiration of a franchise usually brought with it the necessity for dickering and political manipulation. In those cases where franchises were granted by popular vote, the utilities had to conduct a political campaign. The result has been a movement in favor of the indeterminate franchise. This is an arrangement whereby the utilities could operate under a franchise which had no definite termination. The arrangement could be ended when the grantor deemed it desirable, but such termination presumed that the grantee would be reimbursed for the losses occasioned thereby.

The establishment of state administrative regulatory bodies obviates the necessity of fixing rates in the local franchises. In some states these bodies were set up in constitutions with powers superseding those previously given to the cities to regulate by franchise.

Public Service Commissions

The beginning of state administrative regulation of public utilities took place with the establishment of the railway commissions in the 1870's. Their birth was occasioned by the unbridled abuses of railway building and competition, which have been thoroughly narrated and documented in a profusion of authoritative literature. Again, serious abuses in the field of municipally owned utilities occurring two or three decades later

⁶ Herman H. Trachsel, "Municipal Administration of Public Utilities," *Municipal Government and Administration in Iowa* (The State Historical Society of Iowa, Iowa City, 1930), Vol. II, Ch. XVIII.

led to the establishment of state public service commissions empowered to regulate municipal utilities. In some instances additional authority was simply given to the existing railroad commission, as in California, where the public service commission still bears that name.⁷

The establishment of state administrative regulation of local utilities was a liberal movement, considered dangerously radical in its day. Thus, legislation creating public service commissions of the modern type was enacted under the leadership of liberals like the elder La Follette in Wisconsin (1907) and Hiram Johnson in California (1911). This legislation, supplemented by similar statutes in New York in 1907, constituted the beginning of a movement which has led to the establishment of state administrative regulation in forty-seven states and the District of Columbia.⁸

These state commissions are usually given the power to regulate rates and services. However, their principal activity has been to act as judge in the first instance in rate cases. A rate case before a public utility commission is ordinarily brought by a municipality as the complaining party, but usually such a case may also be initiated by a petition signed by a minimum number of consumers or ratepayers. The controversy in these cases practically always relates to the correct valuation of the utility's properties and whether or not the company is making a fair rate of return.⁹ An important case will last for months, during which the commission may hear hundreds of witnesses from the company, from the city, and from various other groups having information which the commission wants to hear.

Public Utility Rate Making

Beginning with the case of *Smyth v. Ames*, the United States Supreme Court has held in a long line of decisions that a public utility is entitled to a fair return on the fair value of its property.¹⁰

⁷ Mosher, *op. cit.*, pp. 1-8.

⁸ Delaware is the only state which does not have a public service commission. Wilson, Herring, and Eutsler, *op. cit.*, pp. 15-20, 43; Mosher, *op. cit.*, p. 2.

⁹ Charles A. Beard, ed., *Current Problems of Public Policy* (The Macmillan Co., New York, 1936), pp. 91-108.

¹⁰ *Smyth v. Ames*, 169 U. S. 466, 42 L. Ed. 819 (1898).

However, the Court has never set up a definite working theory or principle of valuation. The point of contention in determining a fair rate of return for a public utility is the setting of the valuation of the property. There is little difficulty in determining the percentage rate of return, which sometimes is set by law. The perplexing problem is setting the valuation base to which this percentage is to be applied. There are several theories of valuation referred to by the courts. None of these has become the absolute rule over any long period of time. During the period from 1900 to the depression of the 1930's, the companies themselves tended to favor the principle of reproduction cost. The price level had been steadily rising, utility properties had expanded tremendously, especially the electric utilities, and much of this new investment came out of earnings. The recognition of the principle of reproduction cost would crystallize the rate base at a point considerably higher than the money actually put in the properties. Hence this theory was popular up to 1929.¹¹

During this period there was a school of thought which wanted the valuation to be based upon original cost. This means the actual amount of money put into the property over the years, irrespective of what it would cost to reproduce today. This principle was unpopular with the utility companies prior to 1930, and the decisions of the United States Supreme Court never gave very hearty support to it. However, with the precipitous decline of the price level since that time there has been more sympathetic consideration of original cost.¹² It may be that in certain cases this principle would be more advantageous to the owners of the property than reproduction cost under present conditions.¹³

¹¹ William E. Mosher and Finla G. Crawford, *Public Utility Regulation* (Harper & Bros., New York, 1933), pp. 180-210; John Bauer and Nathaniel Gold, *Public Utility Valuation for Purposes of Rate Control* (The Macmillan Co., New York, 1934), pp. 338-349.

¹² Original cost should be the same as historical cost. However, the latter expression has been used by the courts to indicate the nature of the expenditures, whether proper and sound, and if they should have been made. In this sense it corresponds with prudent investment. *Missouri, ex rel., Southwestern Bell Telephone Company v. Public Service Commission*, 262 U. S. 276, 43 Sup. Ct. 544, 67 L. Ed. 981 (1923).

¹³ Bauer and Gold, *op. cit.*, pp. 77-111; Hammond V. Hayes, *Public Utilities; Their Fair Present Value and Return* (D. Van Nostrand Co., New York, 1915), pp. 12-17; Carl Ewald Grunsky, *Valuation, Depreciation and the Rate Base* (John Wiley & Sons, Inc., 1917), pp. 16-31; Henry Floy, *Valuation of Public Utility Properties* (McGraw-Hill Book Co., Inc., New York, 1912), pp. 18-26.

An additional consideration—whether expenditures have been improperly or wastefully made—has given rise to the “prudent investment doctrine.” Prudent investment refers to the capital invested according to sound and honest judgment. This doctrine sets forth that the valuation allowed for rate-making purposes should represent that amount of the original cost of the utility’s property (1) which is used and is useful in the public service, and (2) which is invested according to the sound and honest judgment of a hypothetical “prudent and competent person.”¹⁴

A rate case usually ends with the commission’s setting a valuation which it believes to be just and fair, followed by its estimate of the rates sufficient to bring in a fair return on that valuation. In fixing rates it must be taken into account that the cost of producing a kilowatt-hour of electricity in one city might be justifiably more than elsewhere. Hence, the kilowatt-hour is not to be regarded as a unit capable of comparison from place to place. It is usually taken for granted that public utilities will be permitted to earn up to a certain maximum on their investment. Under current financial conditions from 5 to 7 per cent would seem to be quite common. This means that a property valued at \$10,000,000 would be limited to yearly net profits or earnings of from \$500,000 to \$700,000.¹⁵

Prior to 1933 nearly every important rate case was sure to be appealed from the commission to the courts. The utilities would practically always claim that the valuation set by the state commission was too low. They would go to the courts under the protection of the due-process provision of the federal constitution which provides that no person shall be deprived of life, liberty, or property without due process of law. The utility companies were able to invoke this clause with considerable success, since the Supreme Court of the United States took the attitude that if the valuation set by the state commission was not sufficient to

¹⁴ Mosher and Crawford, *op. cit.*, pp. 214–221; Wilson, Herring, and Eutsler, *op. cit.*, pp. 122–123.

¹⁵ *McCardle v. Indianapolis Water Company*, 272 U. S. 400, 47 Sup. Ct. 144, 71 L. Ed. 316 (1926); *Railroad Commission v. Pacific Gas and Electric Company*, 302 U. S. 388, 58 Sup. Ct. 334, 82 L. Ed. 319 (1938); Wilson, Herring, and Eutsler, *op. cit.*, pp. 171–173; Note, “Judicial Control Over Methods of Valuation in Public Utility Rate Cases,” *Harvard Law Review* (March, 1938), Vol. LI, pp. 885–893; Joseph R. Rose, “The Rate of Utility Return,” *Public Utilities Fortnightly* (February 2, 1939), Vol. XXIII, pp. 131–138.

bring what the court considered a fair return, it constituted in effect the taking of property of the companies without due process of law.

TRENDS IN COMMISSION REGULATION. Commission regulation started out thirty years ago as a liberal and progressive movement designed to curb what the left-wingers of that day regarded as the predatory powers of public utility interests. However, the original antagonism of the utilities companies to the commissions has now subsided, and in many instances has actually reversed itself into strong defense of and admiration for commission regulation. The companies soon found that the commissions constituted no menace to their interests. Very frequently they could deal with just and reasonable commissions on a reasonable and fact-finding basis, which was an agreeable alternative to the old dickering with city councils. In those cases where they had to work with weak commissions, there was still the advantage that they dealt with only one body for the whole state, instead of a multitude of political groups. In some instances, the companies actually influenced appointments to and policies of the commissions. As a result, the companies gradually became the defenders of the commissions and sometimes actually sponsored the establishment of similar bodies in those states which had not come into the fold.

By the beginning of the 1930's it began to be apparent that commission regulation had not lived up to the early promise of militancy. Several factors contributed to this. In the first place, the commissions were usually politically appointed, with short terms and frequent changes. Instead of being experts, as was originally hoped for, the commissioners were frequently rank amateurs. In the second place, the commissions were given adequate appropriations and staffs only in a few such states as Wisconsin, California, and New York. Neither the complaining city nor the commission itself had the facilities or the personnel to present the opposite side of the case so well as the high-salaried attorneys, engineers, and accountants retained by the companies. In the third place, the policy of the Supreme Court of the United States in refusing to establish a definite working theory or principle of valuation left the commissions constantly in a quandary

as to how to set valuations.¹⁶ The result has been a certain skepticism relative to the efficacy of commission regulation of utilities.

Since 1933, the general New Deal offensive against the utilities, together with the bad taste left by the Insull debacle,¹⁷ has brought about a more conciliatory policy on rate matters. There has been a series of voluntary rate reductions achieved by a new regulatory device. This has consisted of agreements resulting from conferences of municipal officials, state regulatory commissions, and the utilities themselves.

The confusion and controversy surrounding valuation remains the most serious problem of utility regulation today. An important trend in the plans and methods of public utility valuation is that represented by the adoption of rate bases fixed by contract or agreement between the regulatory commissions and the public utility companies. A typical plan of this kind is the so-called "Washington Plan." The contract valuation plan so suggested for New York is another. It seems that the prudent investment principle of valuation probably will become the accepted rule.¹⁸

MUNICIPAL ORGANIZATION FOR RATE MAKING. One of the weakest links in public utility rate making has been municipal organization for the preparation of the public's side of the case. Many cities now have an administrative unit specifically charged with the regulation of public utilities in so far as that activity is within municipal powers. Dallas, for instance, has a Supervisor of Public Utilities. These officers may have a good deal of regulatory supervision over taxicabs and the routing aspects of street

¹⁶ William E. Mosher, "Defects of the State Regulation of Public Utilities in the United States," *The Annals of the American Academy of Political and Social Science* (January, 1939), Vol. 201, pp. 105-110; *St. Louis and O'Fallon Railroad Company v. United States*, 279 U. S. 461, 49 Sup. Ct. 384, 73 L. Ed. 798 (1929). "It is doubtful that any consistent trends can be traced in the decisions of commissions and courts in public utility valuation because of the changing interests of the regulatory commissions, the public and the utility owners, and because of differences in terminology which have the effect of changing the concepts of value." Wilson, Herring, and Eutsler, *op. cit.*, p. 139. Mosher and Crawford, *op. cit.*, p. 182.

¹⁷ J. T. Flynn, "What Happened to Insull," *The New Republic* (May 4, 1932), Vol. 70, pp. 316-319, and (May 25, 1932), Vol. 71, p. 48; News Item, "Trial of Samuel Insull and Eight Co-defendants," *New York Times* (April 28, 1935), p. 3, col. 3; Unsigned, "Insull Crisis Dramatizes Plight of Investment Holding Groups," *Business Week* (April 20, 1932), pp. 18-19.

¹⁸ Mosher and Crawford, *op. cit.*, pp. 214-224; Wilson, Herring, and Eutsler, *op. cit.*, pp. 145, 152.

car and bus operation. However, in those states having regulation by state public service commissions, the authority of municipalities over the principal utilities is limited. Hence the most vital local aspect of dealing with public utilities is the proper presentation of the city's side of a rate case before the state commission. It is universally admitted that the cities have been at a disadvantage in this respect.

Quite apart from the controversy involved, utility valuation for rate-making purposes is an extremely complicated task requiring time, money, and expert investigators. Small municipalities have been unable, and frequently large cities have been unwilling, to provide the money necessary to prosecute rate cases successfully. The companies, on the other hand, have appeared before commissions and the courts with competent and well-paid attorneys, engineers, accountants, and trained technicians of all varieties. Without any implication of underhanded dealing, the companies have been at an advantage by virtue of the sheer superiority of their manner of presenting the case. A small municipality is almost helpless in such situations because it cannot hope to provide the facilities for a proper presentation of its case. These rate proceedings are sometimes drawn out over a period of years. The case must first be presented before the state utility commission, which often takes several months. If the ruling of the commission is adverse to the utility, the chances were, back in the 1920's, that there would be an immediate transfer of the case to the federal courts. This meant a consideration of the case in the federal district court. Then if the ruling were adverse, there would be an appeal which usually could go direct to the United States Supreme Court. All of this might take as long as six or eight years from the beginning of the case before the commission to the final decision of the court.

It is evident that a municipality which starts out on a project of this kind must be prepared to spend tens of thousands of dollars and put the case in the hands of trained and experienced specialists in the field of law, engineering, and accounting. There is no agreement as to how this activity should be fitted into the municipal hierarchy. However, it seems usual for the city attorney or corporation counsel's office to bear the major responsibility.

The Holding Company

The collapse of the Insull utility empire dramatically focussed public attention upon the problem of the public utility holding company.¹⁹ In a holding company organization there is a hierarchy of individual companies. At the bottom are the operating companies. These are the ones which actually hold original title to the utility operating properties. Above them in the hierarchy are holding and management companies, which may or may not be identical. A holding company is one which possesses sufficient stock of one or more operating companies to control its policies and operations. This stock need not consist of a majority of the outstanding, for it has been shown that voting control can be secured by as little as 2.8 per cent.²⁰ The New Deal Administration started an offensive against holding companies which led to the enactment of the Public Utility Holding Company Act in 1935. The holding company offers several real and substantial advantages, but criticism was directed toward shortcomings and serious abuses that had all too often appeared. In the first place, some holding companies were not satisfied to participate in profits to the extent of dividends alone. They set up management and engineering companies, requiring the operating companies to pay what some thought to be exorbitant fees for these services. The worst abuses occurred when the complicated holding company structure was manipulated primarily for the personal profit of the few individuals in control. Gross financial abuses of this sort were possible because no effective regulation of the interstate holding company empires existed. The management and operating economies which constitute the sound justification for a holding company structure were entirely lost when financier profits

¹⁹ James C. Bonbright and Gardiner C. Means, *The Holding Company* (McGraw-Hill Book Co., Inc., New York, 1932), pp. 108-117; Unsigned, "Insull Crisis Dramatizes Plight of Investment Holding Groups," *Business Week* (April, 20, 1932), pp. 18-19.

²⁰ Wilson, Herring, and Eutsler, *op. cit.*, p. 257; L. R. Nash, *The Economics of Public Utilities* (McGraw-Hill Book Co., Inc., New York, 1931), pp. 406-429. In one case in the Insull system control of the North State Beach Development Company was through nine tiers of holding companies and an investment in the top holding company equal to two-hundredths of one per cent of the total capitalization of the bottom operating company was sufficient to control it. Federal Trade Commission, *Report on Utility Corporation*. S. Doc. 92, 74th Congress, 1st Session (1935); Brackley Shaw, "Public Utility Holding Company Act," *Michigan Law Review* (June, 1938), Vol. 36, pp. 1360-1375.

became the real, though not the avowed, purpose of the system.

In the second place, some of the holding companies did not have integrated operating units. By this is meant that their operating units were scattered geographically in such a manner as to provide no sound argument for association. The critics said that if utility operating companies were to be grouped, they should be grouped regionally into natural operating units, where surplus power and peak loads could be pooled and leveled off. A third criticism of holding company operations was that they often exercised undue political influence and control. Starting with margins of stock ownership fractionally small in the beginning, they built up pyramids of control which required and were able to secure the friendly indulgence of state public utility commissions and seekers of political office all down the line.

In 1935 Congress enacted the Public Utility Holding Company Act, which included the so-called "death sentence" provision.²¹ It required that holding companies in the gas and electricity fields, in order to operate beyond a certain date, must register with the Securities Exchange Commission. Of course this applied only to those holding companies whose operation reached across state lines, but this included most of the powerful ones. The provisions of the statute, supplemented by the rulings established for registration by the Securities Exchange Commission, contemplated the substantial abolition of the objectionable features listed above. The companies found this piece of legislation very distasteful and fought it through the courts as far as possible, but the constitutionality of the registration provisions of the statute was upheld.²²

New Approaches to Regulation

Past experience has indicated the desirability of a more conciliatory spirit in the field of public utility regulation. Long-drawn-out litigation has been expensive to the companies, as well

²¹ Sec. 11, The Public Utility Holding Company Act of 1935, 49 Stat. L. 803 (1935), 15 U. S. C. (Supp. 1937), 79k.

²² *Electric Bond and Share Company v. Securities and Exchange Commission*, 303 U. S. 419, 58 Sup. Ct. 678, 82 L. Ed. 936, 115 A. L. R. 105 (1938); Brackley Shaw, "Public Utility Holding Company Act," *loc. cit.*

as to the government. Furthermore, many of the more enlightened companies have begun to realize that constant rate controversy did not lead to the most desirable public relations. In many cases regulation has taken the form of co-operative understanding between municipalities and the companies. The instance of this kind which has received the most publicity is that which exists in the District of Columbia, sometimes referred to as the "Washington Plan."²³ Under this arrangement the technicians of the District of Columbia Public Utilities Commission are in constant contact and liaison with company management. By negotiation they reach year-to-year working agreements upon valuations and engineering problems. One of the features of the Washington plan is the old sliding scale long familiar to students of utility operation. Under this arrangement the net earnings upon the agreed valuation are limited to an initial stated percentage, perhaps 7 per cent. Under certain conditions the company will be permitted to earn $7\frac{1}{2}$ per cent. These conditions may provide that if the company will reduce rates it may increase its earning percentage. This arrangement is said to give an incentive for better management, because in order to increase net earnings the managers have to decrease rates.²⁴

THE FEDERAL POWER COMMISSION. The Federal Power Commission was established by Congress in 1920 for the specific purpose of controlling water power sites under federal

²³ Irvin Bussing, *Public Utility Regulation and the So-called Sliding Scale* (Columbia University Press, New York, 1936), p. 97 ff.

²⁴ The District of Columbia Public Utilities Commission in 1936 issued an order fixing the rate of fair return at $6\frac{1}{2}$ per cent with the following scale of excess earnings to be used as the basis of rate reductions for the following years:

Earnings	Amounts of Excess to be Used for Rate Reductions
$6\frac{1}{2}$ to $7\frac{3}{4}$ per cent	One-half of excess
$7\frac{3}{4}$ to $8\frac{1}{2}$ per cent	Additional three-fifths of excess above $7\frac{3}{4}$ per cent
$8\frac{1}{2}$ per cent or over	Additional three-fourths of excess above $8\frac{1}{2}$ per cent.

"If the earnings fall below $6\frac{1}{2}$ per cent for any two consecutive years, or below 6 per cent for any year, the rates are to be raised so as to yield $6\frac{1}{2}$ per cent. Four results may fairly be said to have been achieved by the Washington sliding scale plan: (1) The Commission and the Company have been spared the expense of a valuation. (2) The rates to consumers have been steadily and materially reduced. (3) Cooperation between the Public Utility Commission and the Company has been promoted and encouraged. (4) The delays and expense of litigation have been minimized." Wilson, Herring, and Eutsler, op. cit., pp. 148-149.

jurisdiction. The law provided that any proposal to develop such a water power site must receive the approval of the Commission. The Commission was either to grant such approval or to report to Congress its recommendation that this site be developed by the government itself. While this statute was an important step toward federal participation in the regulation of electric utilities, there was still a considerable area in which no regulation existed. This was primarily in the field of the interstate transmission of power. However, the problems involved went far beyond the mere mechanical or engineering phases of the generation and transmission of power. They involved the whole field of financing, integration, and the holding company devices referred to above. The result was the enactment of supplementary legislation in 1935 and 1938, which effectively placed responsibility for regulating utilities operating on an interstate basis under the Federal Power Commission.²⁵

Today the Federal Power Commission is authorized to regulate and set rates for the interstate transmission of power at wholesale. It prescribes accounting systems, controls security issues, simplifies corporate structures, and to a certain extent regulates interlocking directorates. It was a long-run objective of this act that the utility companies of the country be grouped into geographical and regional operating units which would provide the maximum economy and efficiency. The purpose was to get a grouping based upon the best management interests, rather than the geographically scattered operating units of some of the old holding companies. This process was referred to as "integration," and it substantially characterizes that term as used in connection with S.E.C. regulation. That is to say, the holding companies registered with the Securities and Exchange Commission must be integrated," or else reorganize on the basis of regional integration conducive to good management. The Federal Power Commission has a measure of control over these units, while the Securities and Exchange Commission must approve the corporate structure before securities can be sold on stock exchanges.

²⁵ The Public Utility Holding Company Act, 48 Stat. L. 803 (1935), 15 U. S. C. (Supp. 1937), 79a.

The Federal Power Commission is also authorized to respond to the request of a state public utility commission for information relative to the interstate aspects of the business of the company which is partially within the jurisdiction of the state. Until 1935, a state commission had only partial jurisdiction over a company which did interstate business. Now it can request the Federal Power Commission to come in and lend aid in such instances.

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CHAPTER XXIV

PUBLIC UTILITIES: OPERATION AND MANAGEMENT

The residents of New York, Chicago, San Francisco, Seattle, and over one thousand other American cities of 10,000 population or more have an owner's interest in a public utility. Here the people themselves own and operate a wide variety of what are essentially business enterprises. Most of these are either water plants, gas works, or electric light and power plants,¹ yet cities and towns throughout the country are engaged in such divergent undertakings as abattoirs, ice plants, markets, wharves, toll bridges, docks, tunnels, ferries, bus and street car lines, and airports.

There will be no attempt in this book to enter into the controversy over the relative advantages and disadvantages of private as against public ownership of municipal utilities. Simple recognition, rather, is accorded the fact that municipal ownership does exist in what seems to be an increasing extent, and that the operation of these public enterprises offers important problems in municipal management.

Utility Operation

Most users of utility services little realize the multitude of activities and forces which lie behind the simple turning of an electric light switch, the lighting of a gas stove, or the running of a water faucet. Few are aware, for example, that in the city's

¹ Eighty per cent of these cities own their own water plants. *The Municipal Year Book, 1938* (The International City Managers' Association, Chicago, 1938), p. 112. Twenty-eight per cent own their airports, 14 per cent their electric plants, and 12 per cent their markets. *The Municipal Year Book, 1936* (The International City Managers' Association, Chicago, 1936), pp. 169-170. When cities of less than 10,000 population are considered, it is found that almost 2,000 municipalities own electric plants alone. H. B. Dorau, "Rates in the Electric Industry under Municipal Ownership," *The Annals of the American Academy of Political and Social Science* (January, 1939), Vol. 201, p. 35.

electric plant men sit at master switchboards night and day, watching the power curves as they rise and fall, adjusting the operations of the central station and its giant generators as the demand for current fluctuates from section to section, hour by hour, keeping the flow of current ever constant.² Few know that while the city's water demands can ordinarily be supplied through one-half inch pipe, there are certain hours when there is need for a three-inch supply; or that for short periods some people will draw thirty-six times as much water as they normally do. Yet these people insist that the flow of their water be at all times in the same pressure. Moreover, they demand that their water requirements be totally unaffected by those of their neighbors. These demands the municipal utility must endeavor to fulfill.

Behind the utility's constant and unvarying supply of water, gas, electricity, and other services lies a vast amount of research and engineering achievement. Research in circuit design, in regulatory devices of all kinds, in design and construction of dynamos and turbines, in the proper methods of harnessing water power, in the development and maintenance of adequate distribution systems; all have combined to provide a city with its electric power. Research and engineering in gas supply is concerned with the relative advantages of coal gas, water gas, and natural gas for the particular section in which the utility is located; with the problems of pipe lines, both intracity and overland; with regulatory mechanisms; with distribution systems; and with the metering of consumption. Municipal water works must study and act upon the problems of supply, upon pump operations, upon the chlorination of impure water, upon lime treatments for rusty water, upon algae and weed control, upon water softening, regulating, and distributing, and upon electrolysis.³ These activities have been discussed in a previous chapter.

Not only must utilities engineer and construct efficient producing and distributing systems, they must provide for their

² See C. W. Appleton, "The Business of Supplying Electric Service," *Municipal Utilities* (November, 1936), Vol. III, pp. 1-3.

³ R. E. McDonnell, *Rates, Revenues, and Results of Municipal Ownership of Water Works in the United States* (published by Burns & McDonnell Engineering Co., Kansas City, 1932), p. 27.

constant maintenance as well. This involves such problems as emergency repairs to the system and its service connections, replacements, and the care of pipe lines, electric conduits, reservoirs, and meters.⁴ Electric light poles, for example, must be prevented from decaying and breaking off at the ground level, a danger particularly imminent during storms. One of the latest methods developed for combating pole rot is what is called injection inoculation. With the use of grease guns four distinct types of serum are injected into holes which have been drilled into the pole near its base. One of these serums is designed to stop fungus decay and the others to make habitation by termites impossible.⁵ Other operating problems involve customer relations and the building up of consumption by campaigning for the sale of appliances.⁶ The latter is especially important because of the load factor of a public utility. By this is meant the average percentage of capacity at which a plant normally operates. During any day, and over weekly and monthly periods as well, there are marked fluctuations in the demand for utility services. More electricity, for example, is needed in the evening hours than during the day. Those periods when demand for service is highest are known as "peak-load" periods, while the intervening hours are off-peak hours. Thus peak-load consumption must be averaged with off-peak consumption to determine the actual load factor.

Public utility plants are built to provide services which a maximum demand would require; yet most of the time only a portion of that capacity can be used by the city in normal consumption. The smaller the percentage of capacity at which a plant operates, that is, the greater the difference between peak-load and off-peak consumption, the more costly is production. Thus if a utility can raise off-peak or normal consumption to a level nearer its ability to produce, its operation will be more economical.⁷ As

⁴ W. B. Elmer, "Customer Outage Losses Can Be Evaluated," *Electrical World* (November 20, 1937), Vol. 108, pp. 1713-1715.

⁵ J. W. Sanders, "Pole-life Extended by Injection Inoculation," *Electrical World* (February 11, 1939), Vol. 111, pp. 49-50.

⁶ In one day in South Bend, Indiana, a campaign to buy electrical appliances yielded a sales volume of over \$25,000. A total of over 400 radios, ranges, refrigerators, and other electrical appliances were sold. "Building up the Load," *Electrical World* (February 11, 1939), Vol. 111, p. 95.

⁷ The average load factor for electrical utilities in the United States in 1937 was 37.6 per cent. *Electrical World* (January 15, 1938), Vol. 109, p. 81.

a result, one of the important functions of municipally owned enterprises, as well as those owned privately, is to encourage customers to buy and use more appliances, particularly for periods of off-peak consumption.

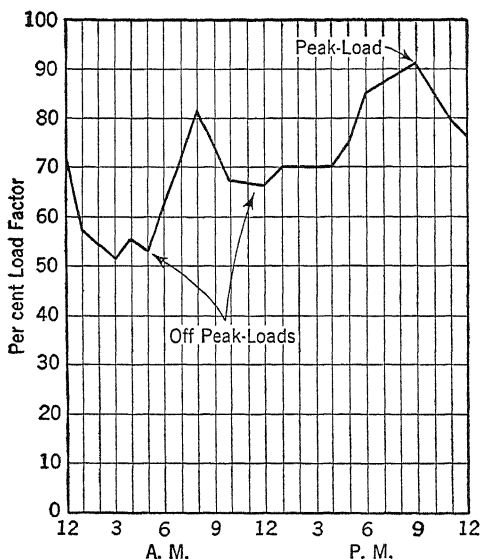


Figure 48. Chart Showing the Daily Load of a Typical Municipal Electric Utility in a Large City

(For specific examples see Harold E. Deardorff, "Applied Data Betters Distribution Performance," *Electrical World*, June 18, 1938, Vol. 109, pp. 57-59, 132-134.)

Organization of a Municipal Utility

OPERATING INDEPENDENCE. A municipal utility is a specialized proprietary function demanding unified organization and direction. It should therefore be set up on a basis of complete operating independence from any other administrative branch of the municipality.⁸ The form of independent organization to which resort is most frequently made is the public corporation.⁹ It is felt that a corporate body has more flexibility of manage-

⁸ Frederick L. Bird, *The Management of Small Municipal Lighting Plants* (Municipal Administration Service, New York, 1932), p. 12.

⁹ John McDiarmid, *Government Corporations and Federal Funds* (The University of Chicago Press, Chicago, 1938), 244 pp.

ment than ordinary government departments, more freedom, and an environment which more nearly approximates that of private operations. It is regulated, by and large, through the profit and loss statement and the balance sheet of assets and liabilities. Moreover, it is free from the strangulation of rigid and detailed legal controls with which the ordinary department often has to deal. It has its own accounting, personnel, and control agencies, and is largely free from the housekeeping controls of the general city government.¹⁰

In recent years there has been an increasing use of the term "authority" to designate a publicly owned utility. In general, an authority is a special or *ad hoc* government corporation established under an independent board to operate on the basis of its own revenues.¹¹ One of the most successful ventures of this kind is the Port of New York Authority set up jointly by the states of New York and New Jersey, with the additional statutory support of Congress. On the other side of the United States the California Toll Bridge Authority operates the San Francisco-Oakland Bay Bridge, and in the South the South Carolina Rural Electrification Authority generates and sells power and light. Each of these units has its own governing board and operates on its own revenues. Care, however, should be exercised to prevent the ill-advised use of the term "authority." There is a tendency to establish many purely governmental activities on an independent basis and provide them with ear-marked tax revenues. Special interest groups like to describe these devices as "authorities" in order to secure the independence and prestige going with that name.¹²

Prior to 1933 many state laws prohibited municipalities or counties from engaging in the operation of public utilities. Laws

¹⁰ John M. Pfiffner, *Public Administration* (The Ronald Press Co., New York, 1935), pp. 45-48; W. F. Willoughby, *Principles of Public Administration* (The Brookings Institution, Washington, D. C., 1927), 720 pp., particularly pp. 160-169; Marshall E. Dimock, "Public Corporations and Business Enterprise," *Public Administration* (October, 1936), Vol. XIV, pp. 417-422; Same author, *Government-Operated Enterprises in the Panama Canal Zone* (The University of Chicago Press, Chicago, 1934), 248 pp.

¹¹ McDiarmid, *op. cit.*, pp. ix-xviii.

¹² The official status of "authorities" has been attacked by the Wisconsin Supreme Court, which has recently held that members of an "authority" are not public officials and cannot exercise powers vested exclusively in public officials. J. D. Bauer, "Municipal Utilities," *The Municipal Year Book, 1938* (The International City Managers' Association, Chicago, 1938), pp. 115-116.

in other states imposed debt limitations on local units which made the acquisition and operation of utilities impossible. During the early days of the "New Deal" Administration Congress passed a law which provided that if the states would amend their laws so as to make it possible for the cities and counties to establish "power districts" for electric power generation and sale, the Public Works Administration would loan the money for building plants and distribution systems.¹³ As a result a number of states made it possible for their local units to organize these special municipal corporations known as "power districts."¹⁴ By 1936 there were 19 states with such enabling legislation.¹⁵

A power district is a quasi-public corporation or "authority" which may embrace within its territorial limits more than a single municipality and often more than two or three counties.¹⁶ Its purpose is the generation, transmission, and distribution of electricity. In addition to the common attributes of a corporation its directors have the rights of eminent domain, taxation, special assessment, and separate borrowing powers.

The Federal Government has also sponsored authorities in rural areas through the Rural Electrification Administration which lends money to duly established rural electric authorities for the building of generating and distributing systems. In 1937, nine states had rural electrification authorities.¹⁷

ACCOUNTABILITY AND RESPONSIBILITY. Even though considered a specialized proprietary or corporate function, a municipal utility should be none the less accountable and liable for its actions. With regard to accounting operations, especially, it should be made responsible to one of the regularly constituted financial agencies. This responsibility should take the form of

¹³ Robert D. Baum, "Power District Legislation," *National Municipal Review* (January, 1937), Vol. XXVI, p. 28 ff. See also G. Lloyd Wilson, James M. Herring and Roland S. Eutsler, *Public Utility Regulation* (McGraw-Hill Book Co., New York, 1938), pp. 536-537.

¹⁴ In 1938, 161 communities took advantage of P.W.A. grants to build municipal power plants. Bauer, *op. cit.*, p. 115.

¹⁵ Baum, *op. cit.*, p. 29.

¹⁶ William F. Kennedy, "The Nebraska Public Power Districts," *Journal of Land and Public Utility Economics* (February, 1939), Vol. XV, pp. 29-48.

¹⁷ E. F. Scattergood, "Organization, Financing, and Operation of Publicly Owned Electric and Gas Utilities," *World Power Conference*, 1936, Sec. iii, Paper No. 9, p. 20.

liability for the accuracy and adequacy of accounting records as well as for the prudence of operating expenditures.¹⁸ Furthermore, an independent post audit of the utility's records should be performed each year. In addition, the people themselves are entitled to periodic reports upon the activities and operating results of the enterprise. The fiscal facts about a utility should be presented to the public in simple and summary form.¹⁹

THE UTILITY BOARD. Because a municipal utility deals almost exclusively with managerial and operating problems, it should be removed as far as possible from politics. This means that where the enterprise is large enough to be organized on a corporate basis, an appointive board to head the utility may be desirable.²⁰ Such a board may be appointed by the mayor of the city with council confirmation, or without, as in the case of the San Francisco Public Utilities Commission.²¹ Or it may be appointed by the governors or heads of two equal areas of government, as is true of the New York Port Authority. In any event, the heads of a utility unit should never be popularly elected. A public utility is purely a business enterprise. To be sure, it may be frequently embroiled in bitter controversy involving fundamental social and economic doctrines, but this is not sufficient reason for lending political discoloration to its internal management.²² Recently the official organ of municipal utilities in the United States published a model plan for a board of public utilities. This plan calls for an appointive body which would have power to "supervise, control, regulate and manage" the utility's operations.²³

There are scores of small cities in the United States which operate under a form of government wherein the city council exercises supreme administrative authority. In these municipal-

¹⁸ W. E. Mosher and F. G. Crawford, *Public Utility Regulation* (Harper & Bros., New York, 1933), p. 536 ff.

¹⁹ Delos F. Wilcox, *The Administration of Municipally Owned Utilities* (Municipal Administration Service, New York, 1931), pp. 59-60.

²⁰ Edna C. McMahon, *Municipal Electric Plant Managers* (Public Administration Service, Chicago, 1934), pp. 4-6.

²¹ *Report of the San Francisco Public Utilities Commission, 1936-1937* (published by the Commission, San Francisco, 1938), p. xvi.

²² R. V. L. Wright, "Building a Municipal Electric Plant," *Public Management* (May, 1936), Vol. XVIII, p. 144.

²³ Unsigned, "Model Plan for a Board of Public Utilities," *Municipal Utilities* (January, 1935), Vol. 1, pp. 1-4.

ities it is not at all uncommon to find successful and well-managed utilities operating under a superintendent responsible directly to a standing committee of the council.²⁴ However, in a study made of small municipal lighting plants in the state of New York, it was found that control by an appointed board was superior.²⁵

In those cities which operate under the council-manager form of government the appointive board may often be dispensed with in favor of a single manager appointed by and directly responsible to the city manager.²⁶ It has been convincingly demonstrated that successful operation can be achieved under such an arrangement.²⁷

Fiscal Objectives of Municipal Ownership

When municipal ownership has once become established, the one great policy issue remaining is that of net earnings. How much should a utility earn? The proponents of municipal utilities divide into two general groups over this question. One group believes that there should be no net earnings whatsoever—that revenues should only be sufficient to cover operating expenses and debt and depreciation charges.²⁸ The other group feels that rates should be maintained at a level high enough to enable the utility to turn over to the municipality a certain amount of surplus earnings. Among this second group there are some who feel that these surplus earnings should be roughly equivalent to the amount of local, state, and national taxes which the same utility would have paid, had it been privately owned.²⁹ Others, however, hold that it should both pay a tax equivalent and contribute surplus earnings as well.³⁰

As a matter of fact, most municipal utilities do pay an amount either equivalent to or greater than the taxes paid by privately owned utilities. In a recent study of a representative

²⁴ Wilcox, *op. cit.*, p. 45.

²⁵ Bird, *op. cit.*, p. 19. See also McDonnell, *op. cit.*, p. 38.

²⁶ Bird, *op. cit.*, p. 126; Wilcox, *op. cit.*, p. 45.

²⁷ E. Grosvenor Plowman, "Municipal Water Utility Management," *Journal of Business* (July, 1937), Vol. X, pp. 268-286.

²⁸ Bird, *op. cit.*, p. 29; Wilcox, *op. cit.*, p. 61.

²⁹ *Ibid.*, pp. 60-61.

³⁰ A. E. Buck, *Municipal Finance* (The Macmillan Co., New York, 1926), pp. 522-534.

number of municipal utilities it was found that the amounts of money turned over to city governments by the publicly owned organizations was approximately equal to the local taxes paid by the private corporations.³¹ In Texas, city-owned enterprises have contributed amounts more than twice as great as the taxes paid by private utilities.³² Under the program of the Tennessee Valley Authority, municipal enterprises pay a "tax equivalent" into the city treasury which is equal to the levy made upon the privately owned co-operative utility companies in the same area.³³ In addition to cash reimbursements the publicly owned corporations usually contribute a substantial amount of free services to the city and its departments. These services are in the form of free street lighting, free water and heat, and free transportation on the municipal motor carriers.³⁴

Those who feel that the municipal utility should earn a surplus in order to help support the city government defend the trend toward this practice on the grounds that such support will make a lower tax rate possible. They point to numerous cities which have been able to lower their taxes as a result of substantial contributions from the local utilities.³⁵ They point to other cities which claim to have been made tax-free through their municipally owned utilities. These tax-free cities are usually rather small municipalities whose budgets are low enough that the utility revenues suffice to eliminate the necessity for a general tax levy.³⁶ A recent survey found some eighty-three such cities in the United States.³⁷

³¹ Municipally owned utilities contributed 13.4 per cent of their operating revenues to the city government, while the taxes of private corporations amounted to 14.2 per cent of operating revenues. Scattergood, *op. cit.*, p. 34.

³² R. H. Montgomery, "Government Ownership and Operation of the Electric Industry," *The Annals of the American Academy of Political and Social Science* (January, 1939), Vol. 201, pp. 43-49.

³³ Tennessee Valley Authority, *How Cheap Electricity Pays Its Way* (Government Printing Office, Washington, D. C., 1938), p. 2.

³⁴ Arthur Borak, "Public Contributions of Municipally Owned Electric Utilities Compared With Taxes of Private Utilities in Minnesota," *Minnesota Municipalities* (August, 1937), Vol. XXII, pp. 272-273.

³⁵ Unsigned, "Brownfield Lowers Tax Rate With Its Utilities," *Municipal Utilities Magazine*, Vol. V, (November-December, 1932), p. 1; Unsigned, "There City-Owned Utilities Save Hamilton, Ohio, \$3,487,733," *ibid.*, p. 8.

³⁶ See Louis Bartlett, "Tax-free Cities," *National Municipal Review* (November, 1934), Vol. XXIII, p. 613 ff. Also Unsigned, "Municipal Utilities, Profits or Taxes?" *Journal of Land and Public Utility Economics* (February, 1936), Vol. XII, p. 212.

³⁷ McDonnell, *op. cit.*, pp. 42-43.

On the other hand, proponents of the service-at-cost policy contend that utility profits do not actually lower or eliminate taxes, but merely disguise them. Instead of paying for city government through a tax levy, they say, the citizens pay for its support through higher utility rates.³⁸ The bitter pill must still be taken, for it has been only candy-coated and made perhaps a little more expensive. Moreover, they hold, the result is an inequitable distribution of the tax burden which favors the speculative holders of unimproved property. These speculators pay little or no tax on their property, yet its value is greatly enhanced by the availability of the city's utility services. Neither do they contribute anything toward the maintenance of the utilities themselves.³⁹

Utility Management

FINANCING A UTILITY. In order to establish a municipally owned public utility one of two things must be done. Either the physical plant of an existing privately owned enterprise will have to be bought, or the city must build an entirely new utility structure and system. In either case a great deal of money will be needed to finance the initiatory activities. The usual method of securing the necessary funds to buy or build a utility is to issue bonds. These may be either obligatory bonds issued against the general credit of the city, or they may be so-called revenue bonds issued upon the basis of the commercial revenues of the utility.⁴⁰

Municipalities use the one type of bond just about as much as the other, there being only a slight preponderance of general city obligation bonds.⁴¹ There has often arisen the legal question as to whether or not revenue bonds could be issued beyond the customary constitutional or statutory debt limit of a municipality.

³⁸ Bartlett, *op. cit.*, p. 614.

³⁹ Bird, *op. cit.*, p. 31.

⁴⁰ Two other types of bonds less frequently used are (1) those secured by a specific tax, and (2) certificates of indebtedness secured by utility revenues. W. H. Irons, "Sources and Costs of Capital Required to Finance Public Ownership," *The Annals of the American Academy of Political and Social Science* (January, 1939), Vol. 206, pp. 17-29.

⁴¹ A representative group of utilities showed this breakdown as to type: general obligation, 50 per cent; revenue, 43 per cent; and warrants, notes, and bank loans, 7 per cent. Scattergood, *op. cit.*, p. 28.

The consensus of court opinion on this point is in favor of permitting the issue of such bonds in excess of that limitation.⁴² The result has been that the local units of government have sponsored a growing number of authorities for the specific purpose of issuing revenue bonds in avoidance of the debt limitation.⁴³ It is generally assumed that regardless of the type of bond issued, its term should never exceed the life of the utilities' physical parts.⁴⁴

A newer method of financing capital for public utilities is the special assessment. It is especially usable where an extension to an already existing system is being built. The special assessment assumes that while the proposed venture will be a benefit to the city at large, it will be especially beneficial to the property owners directly affected. Thus these latter are asked to assume the major share of the financial burden.⁴⁵

Since 1933 an ever-increasing number of municipalities have been securing funds for public utility purchase and construction from the federal Public Works Administration.⁴⁶ In most instances such money has been advanced under a contract providing that 30 or 45 per cent of the amount to be spent for labor and materials be considered as a grant, and the balance as a loan.⁴⁷ In some cases P.W.A. allots only the grant, the city obtaining the balance elsewhere. These contracts impose rigid standards upon the municipality with respect to construction, expenditures, and employment policies. The loan itself, of course, has had to be repaid by one of the two types of bonds just discussed, the usual procedure being to issue revenue bonds.⁴⁸ Private power companies have challenged the validity of this sort of municipal utility financing in the courts. However, in January of 1938 the Supreme Court held that the right of a municipality to receive

⁴² E. H. Foley, "Some Recent Developments in the Law Relating to Municipal Financing of Public Works," *Fordham Law Review* (January, 1935), Vol. 4, p. 13; C. W. Tooke, "Municipal Powers," *The Municipal Year Book*, 1936 (The International City Managers' Association, 1936), pp. 52-57; *ibid.*, 1937, pp. 56-57; *ibid.*, 1938, p. 62; *ibid.*, 1939, p. 48.

⁴³ J. F. Fowler, *Revenue Bonds* (Harper & Bros., New York, 1938), 249 pp.

⁴⁴ Buck, *op. cit.*, p. 512.

⁴⁵ Detroit and San Francisco have financed tunnels and transit systems by this method. *Ibid.*, pp. 514-516.

⁴⁶ Irons, *op. cit.*, p. 19.

⁴⁷ Wilson, Herring, and Eutsler, *op. cit.*, p. 536.

⁴⁸ *Ibid.*

loans and grants from P.W.A. for utility construction was a valid one.⁴⁹

CHARGES FOR SERVICE. One of the major financial problems of a municipal utility is devising a system of service charges which will be fair to customers, taxpayers, and the utility alike. Such a system of charges demands that the amounts billed for services bear a close relation to the actual cost of the service. This cannot, of course, be an inflexible rule, for many cities must pay off bonded indebtedness and contribute to the city treasury, in addition to rendering services; all of this must be paid for out of revenues.⁵⁰

Authorities base the determination of costs per customer upon three factors: (1) The quantity of service consumed; (2) the cost of readiness to serve; and (3) the customer cost. The cost of the *quantity of service consumed* should be self-explanatory. In an electric plant, for instance, it is merely the cost of generating that amount of energy which a particular consumer uses. As the volume of energy used increases, unit costs decline. Thus it is felt that the more energy a customer uses, the lower should be the rate charged him per unit. The cost of *readiness to serve* is the cost to the utility of maintaining enough equipment at all times to serve the maximum demand.⁵¹ This cost continues whether services are being used or not. To be ready to supply electricity to a large industrial plant with its hundreds of fixtures, appliances, and outlets entails a great deal more expense than does the readiness to serve a private residence. Thus the readiness-to-serve charge for each customer should be based on the number and power of appliances and fixtures used. The *customer cost* is the cost of reading meters and billing charges. It is practically the same for all customers regardless of the quantity of service used. Thus all users should be charged in equal amounts.⁵²

For these reasons it is felt that the most equitable system of service charges would include the following: (1) A variable charge for the quantity of service consumed which decreases as

⁴⁹ *Alabama Power Company v. Ickes*, 302 U. S. 464, 58 Sup. Ct. 300, 82 L. Ed. 374. (1938).

⁵⁰ Buck, *op. cit.*, pp. 533-534.

⁵¹ This charge includes debt amortization and depreciation.

⁵² Bird, *op. cit.*, pp. 40-43; Buck, *op. cit.*, pp. 534-537.

the quantity consumed increases; (2) a fixed readiness-to-serve charge which is higher for industrial and commercial users than for residences; and (3) a fixed customer charge.⁵³

UTILITY ACCOUNTING. Public utility accounting frequently gives rise to questions of policy. One of the most important of these is the eternal controversy over what constitutes depreciation.⁵⁴ Everyone is in agreement that utilities should provide for maintaining their properties in first-class operating condition. However, physical plants are bound to deteriorate. This deterioration may be due to machinery's wearing out and thus needing to be replaced, or it may be due to obsolescence. The latter is the term used to describe the decreasing usefulness of equipment being superseded by more recently invented devices and processes. Many municipalities, for instance, have electric generators run by Corliss engines. These are old steam engines with horizontal pistons and huge fly-wheels. Today they are very expensive to operate as compared with the new turbine-propelled generators. Furthermore, the efficiency of steam turbines has increased so rapidly that an installation of 1930 is considerably less efficient than one of 1935.⁵⁵ Thus the accounting system of a municipal utility must take cognizance of all forms of depreciation.

The practices of depreciation in a publicly owned utility ordinarily differ from those of one owned privately. Private utilities usually find it advisable to set up their depreciations in cash reserves. This is because such enterprises do not ordinarily retire their bonds but, rather, consider them to be a part of their normal and permanent capital structure.⁵⁶ Thus a private utility is never debt-free. It should not, consequently, finance replacements by future borrowing. Rather it must currently set aside a cash fund with which to pay for future needs. As a result it will be found that an electric utility paying a million dollars for a generating unit will estimate the number of years it should last, twenty for example, and perhaps figure its depreciation by the

⁵³ *Ibid.*, p. 536. See also Unsigned, "Metered v. Flat Rates," *Municipal Utilities* (December, 1934), Vol. 1, p. 10.

⁵⁴ See L. R. Nash, *Economics of Public Utilities* (McGraw-Hill Book Co., New York, 1931), pp. 201-222.

⁵⁵ Alfred A. Lovell, *Generating Stations* (McGraw-Hill Book Co., New York, 1935), pp. 46-106.

⁵⁶ Nash, *op. cit.*, pp. 58-71.

straight-line method. By this it is meant that they would divide the cost by twenty and depreciate that much on their books each year.⁵⁷ Even though the engine would be there and operating seemingly as well at the end of the first year as at the beginning, the company would charge 5 per cent of the purchase price of the machine to operating expenses for that year. This 5 per cent would be put away in a cash reserve, so that at the end of twenty such years there would be enough to buy another machine.

In a municipal utility, on the other hand, it is quite possible to overdo the matter of accounting for depreciation. Most publicly owned utilities issue their bonds in serial form and plan to pay them off at the rate of a certain amount each year. In other words, it is the usual objective of a municipal utility to be eventually debt-free. Therefore the ratepayers are contributing currently to the retirement of capital debt, which is not usually the case for ratepayers of privately owned utilities. A utility which retires its debt serially is in effect taking care of depreciation that way. If it borrows a million dollars to buy a generating unit and pays off the debt serially over a term of twenty years, it is doing the same thing as the private utility which sets aside a depreciation fund for a like period. Of course the municipality does not have its million dollars on hand with which to buy a new machine at the end of the period, but it has retired its debt and is now in a position to borrow again for replacement. If a depreciation cash reserve is set up to operate simultaneously with debt retirement, it is a double depreciation charge,⁵⁸ and the people of one generation are paying twice for the benefit of the next. There may even be a triple depreciation charge if current year-by-year maintenance keeps the property in such condition that it will be substantially as good at the end of the depreciation period as at the beginning.⁵⁹

A large number of utilities, however, have their bonds retired for them out of taxes. Thus the utility itself has no debt to pay.

⁵⁷ Buck, *op. cit.*, p. 529.

⁵⁸ Most municipal utilities do, however, set up depreciation reserves in addition to paying off their indebtedness. Some even make improvements and extensions at the same time, and pay for all of it out of earnings. This, of course, means that rates are higher than they would otherwise be. Scattergood, *op. cit.*, pp. 29-32; Bird, *op. cit.*, p. 118 ff.

⁵⁹ See Borak, *op. cit.*, p. 120 ff.

For this reason some feel that, in such instances, a depreciation reserve ought to be built up so that at the end of the physical usefulness of the utility's properties there will be money on hand for replacement purposes. If this were done another bond issue to be paid for out of city taxes would be unnecessary. Others hold that such a policy would mean a double depreciation charge just as surely as though both bonds and replacements were paid out of earnings. This argument, of course, is based on the assumption that taxpayers and ratepayers are identical. If they are, a charge for depreciation in addition to tax contributions for bond retirement would indeed be a double depreciation payment. There are those, however, who contend that taxpayers are not identical with ratepayers. Thus they point to the speculators holding unimproved real estate who pay nothing for the value which municipal utilities add to their properties;⁶⁰ to the vast groups of transients and itinerants who pay no direct taxes but who use the utilities; to the people who move from place to place within periods of less than one year, paying few taxes but using and paying for utility service; and to the numbers of persons who rent the homes they live in, paying but a small tax but using and paying for utility services. Therefore, it is said, taxpayers and ratepayers being distinct groups, the latter, as direct beneficiaries, should be responsible for replacement of the physical plants when they become obsolete. Thus it is held that a reserve for depreciation should be set aside and its cost included in the utility rates.

SERVICES TO OTHER DEPARTMENTS. A municipal utility which furnishes services to other city departments should bill them at the regular rate. Even though this may not result in a transfer of cash, it is nevertheless good business practice to make an acknowledgment of the true situation in the accounting operations.⁶¹ As pointed out in an earlier chapter, the amount of water used by municipal departments is tremendous. That used for cleaning streets and flushing sewers alone would run into the tens of thousands of dollars if billed at the regular rates. Likewise a true picture of operating expenditures and revenues is

⁶⁰ Bird, *op. cit.*, p. 31.

⁶¹ Bird, *op. cit.*, p. 76; Wilcox, *op. cit.*, pp. 61-62.

impossible to achieve when the municipal utility lights the streets free of charge.⁶² Authorities feel that the annual city budget should provide for appropriations sufficient to pay the utility for services rendered municipal departments. The latter should be billed in the same manner as private customers, with the general city accounting officer drawing warrants to the utility which would be paid from general fund appropriations. This, however, is not often done in practice. The free consumption of utility services by city departments is a well nigh universal custom. It will be found that, with water especially, the departments are in the habit of using as much as they please without charging it to their appropriations.⁶³

ACCOUNTING ADEQUACY. One of the most frequent criticisms leveled against the administration of municipally owned utilities has been that their accounting systems were inadequate, inefficient, and lacking in uniformity. Electric plants, for example, have commonly failed to break down their energy distribution and revenues into the various classes of service. That is, no accurate division between domestic home users and commercial or industrial users is made. Without a division of the classes of service there is no way of determining either how much current a particular class uses or how much revenue it produces. This not only defeats intelligent planning for production but makes it impossible to establish fair and equitable rates.⁶⁴ Other and more gross omissions, not only of helpful accounting procedures, but of actual basic accounts and statistics as well have been often reported. In the smaller plants, especially, such violations of accepted accounting practice have been widespread.

In recent years, however, much has been done to improve the accounting methods and procedures of publicly owned utilities.⁶⁵ Standards of uniformity have been adopted, and coupled with them has come a steady progress toward adequacy. Many state utility commissions now force cities to use uniform and adequate

⁶² Borak, *op. cit.*, pp. 116-129.

⁶³ *Ibid.*

⁶⁴ Burns & McDonnell Engineering Co., *Results of Municipal Lighting Plants* (Kansas City, 1937), p. 7.

⁶⁵ Scattergood, *op. cit.*, pp. 35-38.

accounting practices,⁶⁶ and the Federal Power Commission itself prescribes a system of accounts which is applicable to all licensees under the Federal Water Power Act.⁶⁷

Adequate accounting in a municipal utility calls for :

(1) The installation of a bookkeeping system which will show accurately and at all times the assets and liabilities of the plant, and revenues and costs properly classified under a standard system of accounts; (2) the employment of personnel conversant with utility accounting; (3) careful budgeting of expenditures in relation to anticipated revenues; (4) accurate and efficient handling of customers' accounts; and (5) periodic audits to determine the accuracy and adequacy of records.⁶⁸

UTILITY PURCHASING. The question of the extent to which a utility should be subjected to the centralized purchasing agency of the general city government is probably open to controversy. Some feel that the city should buy all of the utility's supplies. Others would give the utility its own purchasing officer and store set-up but require a certain amount of co-operation and co-ordination with the general city purchasing office on articles subject to common use.⁶⁹ Still others hold that to subject the utility to centralized purchasing would vitiate the entire principle of the government corporation or business enterprise—that freedom of expenditure is fundamental to its efficient operation.⁷⁰

⁶⁶ Subcommittee on Utah's Public Utilities, *A Study of Utah's Public Utilities* (Investigating Committee of Utah's Governmental Units, Salt Lake City, 1936), p. 71.

⁶⁷ Scattergood, *op. cit.*, p. 53.

⁶⁸ Bird, *op. cit.*, p. 127. The Tennessee Valley Authority has set up definite accounting standards for the cities which use its power. They provide that the following charges must be taken into account:

"(1) Current operating expenses, including salaries, wages, materials, and supplies, power at wholesale, depreciation, and insurance. If joint water and power costs, they must be properly allocated. (2) Capital obligations. (3) The prevailing tax on property: The prevailing municipal property tax rate is applied to the value of the property used in operations within the municipal limits. The assessment is on the basis of 100 per cent of the present value of the property. The above equivalent is increased by the application of county and state ad valorem tax rates to the value of the system. Municipal profit is limited to six per cent of its investment." Edward Falck, *Price, Cost, and Use of Electricity* (Tennessee Valley Authority, Chattanooga, Tennessee, December, 1935), Statistical Bulletin No. vii, pp. 16-17.

⁶⁹ In San Francisco the general city purchasing agent supervises all purchases made by the enterprises under control of the Public Utilities Commission. *Report of the San Francisco Public Utilities Commission, 1936-1937*, xvi.

⁷⁰ McDiarmid, *op. cit.*, p. 7; Dimock, *op. cit.*, pp. 195, 198-200.

STANDARDS OF SERVICE. Perhaps the most scientific and effective basis upon which to judge the merit of a utility is the quality and regularity of its services. The United States Bureau of Standards, in recognition of the need for such a method of appraisal, has developed standards for the service operations of public utilities.

Utilities which generate and distribute gas should meet the following standards: (1) Gas should be of uniform quality and correctly metered; (2) its price should be reasonable yet adequate to cover operating expenses; (3) all portions of a city or district sufficiently populous should be supplied without discriminations; (4) the heating value of gas should be between 500 and 600 British Thermal Units.⁷¹ This is important because, actually, it is heat for which the consumer pays and not volume; ⁷² (5) gas should be purified for the elimination of useless and harmful ingredients; (6) meters and pipe lines should be periodically tested and all irregularities corrected.

Electric utilities are considered to be giving adequate service only (1) when there is an adequacy of power for all demands; (2) when sufficient emergency equipment is on hand to maintain twenty-four hour service under any and all conditions; (3) when the supply of voltage is uniform, never varying more than 5 to 8 per cent; (4) when meters are accurate and reliable; (5) when all installations are periodically inspected; and (6) when all insulation and other devices are such that the ultimate in safety is maintained at all times.⁷³

State utility commissions and other agencies have likewise developed service standards for these and other utilities. The majority, perhaps, are designed for purposes of regulating privately owned enterprises. However, their use to appraise and evaluate the services of publicly owned utilities is a practice which may well be encouraged.

⁷¹ Natural gas sometimes has a B.t.u. content of 1,000. A B.t.u. is the quantity of heat necessary to raise one pound of water one degree Fahrenheit at or near its point of maximum density (39.1° F.). Mosher and Crawford, *op. cit.*, p. 165.

⁷² In England the consumer pays for units of heat rather than for volume. *Ibid.*, pp. 164-166.

⁷³ United States Bureau of Standards Circular Series, *Standards for Electric Service*, Circular No. 56 (Government Printing Office, Washington, D. C., 1923), p. 8 ff.

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PART VIII
CULTURAL ACTIVITIES

CHAPTER XXV

EDUCATION

Public education as a municipal function was practically non-existent one hundred years ago. During the colonial era, education had been the province of home and church, and the United States Constitution had left to the states whatever governmental action might be required. As public interest grew, the new and revised state constitutions made provision for education. Today the cost of the public schools is the principal item of expenditure in a municipality.

Structural Organization

The public school system has been predominantly a state function under the immediate administration of local governing boards. These boards have been subject to state legislative control in later years. There has been considerable pressure to bring the Federal Government into the public school picture, chiefly as a dispenser of grants-in-aid to equalize educational opportunities among the states. Such grants-in-aid have been made in the past for specific projects, but now it is proposed to give general subsidies for practically all school purposes.¹ In addition to monetary grants, the National Government's interest in education has been evidenced by the creation of an Office of Education, now located in the Federal Security Agency. Inasmuch as the National Government has no direct control over the public school system, the function of this office has been confined to research, advice, and voluntary co-ordination.

STATE CONTROL OF CITY SCHOOLS. In most states one or more units of the state government are devoted to public education. These state agencies are not charged with direct manage-

¹ The Advisory Committee on Education, *Report of the Committee* (Government Printing Office, Washington, D. C., 1938), pp. 47-95.

ment and operation of local schools. Their relationship is rather one of administrative supervision and control. Educational authorities like to regard city school districts as corporate entities created by legislative action. They emphasize that such districts are agencies of the state and not of the local municipality. The law usually runs in conformity with this concept.²

The local school districts are controlled in their action by rather detailed state law, sometimes codified in what is known as the school code. The departments of state government dealing with education have a considerable power to see that the provisions of the state school law are observed by local districts. These administrative controls take the form of audits, required reports and records, minimum required standards for school building construction, curricula, the qualifications of administrative and teaching personnel, and sometimes the selection of school books. However, one should never lose sight of the fact that the actual operation of the schools is in the hands of local school boards, usually made up of residents of the school district itself.

THE SCHOOL DISTRICT. While a school district may often be coterminous with a municipality, this is not necessarily so. For instance, some large school districts include a metropolitan city and several smaller cities as well. Educational leaders desire that school districts be independent of the municipal government in all respects. They are very much afraid of "city-hall politics" and prefer to have their own independent boards. The school people seem quite convinced that the calibre of members of the school board is higher than that of the officials in the general government of the same city. They prefer to think that the city hall is rife with a certain despicable form of politics, whereas the politics which afflicts school boards is of a rather inoffensive variety.

While the professional educationists are almost unanimous in this conviction, there are one or two voices on the other side. Among the most prominent of these is Professor C. H. Judd, recently of the University of Chicago, who would abolish the school

² Fred Engelhardt, *Public School Organization and Administration* (Ginn & Co., Boston and New York, 1931), p. 4.

board and have the superintendent appointed by the state department of education or by the city manager, mayor, or city council.³ Judd does not entertain the high opinion of school boards possessed by his colleagues. Among his specific indictments of school boards are the charges that they often disregard the technical advice of their expert appointees; they are frequently composed of ignorant zealots and corruptionists; and even when well intentioned and honest, they tend to interfere with the professional conduct of the schools. More boards interfere with the details of administration than stay within their true sphere of policy determination. Judd charges that general city governments are now exerting direct, secret, and corrupt pressure upon school boards. He claims that this clandestine channel of influence would be brought out into the open and responsibilities placed if appointment of the superintendent were directly in the hands of the mayor or the manager.

As things now stand, school administrators are often so completely under the influence of boards of education that they tend to shirk responsibility. If they were removed from the influence of these boards, stronger individuals would be selected, and they would stand squarely on their own feet and assume responsibility for running the schools in a professional manner. Such a turn of events would so increase the prestige of the professional school administrator that superintendents would be given rights by state law. As things now stand, the delegation of power by the state is to the school board. This means that the board frequently has to act in matters which are purely administrative in character. A legislative recognition of the distinction between the board's and superintendent's powers would remove a great deal of the politics now existing in school affairs. The board could represent the public's view toward educational policy without unduly hampering the superintendent in administrative and technical matters.

Representatives of The International City Managers' Association have taken issue with the contention of the educationists that school boards have been of higher calibre than city councils. They state that board members often have special interests, do

³ C. H. Judd, "School Boards as an Obstruction to Good Administration," *The Nation's Schools* (February, 1934), Vol. XIII, pp. 13-15.

not represent the community, are ignorant of the problems of education, and interfere with the judgment of experts. If school boards were abolished, they contend, the cost of electing members would be eliminated, a more economical administration would be possible without interference, and there would be no overlapping of activities.⁴

During the past decades there have been many cities in which partisan politics and graft have permeated the municipal government. In some of these a separate board of education has made possible more honest and efficient school administration than would otherwise have been true. As the quality of city government improves, however, the advantages of integration far outweigh any danger of "corrupt political control." A recent careful survey of actual experience supports the conclusion that "co-operative endeavor on the part of school and municipal departments has improved the services of both organizations much more frequently than it has impaired the services of either."⁵

Nevertheless, the protest of the municipal integrationists against the board of education seems to have gathered little momentum. Hence it is reasonable to assume that school districts will continue to be largely independent of the general city government and ruled by their own governing board.

SELECTION AND COMPOSITION OF BOARD. The most frequent means of selecting the members of a school board has been by popular election. Occasionally the members are selected by the mayor, as in New York and Chicago. An unusual mode of selection is by the city manager, as is the case in San Jose, California. Educational administrators seem to prefer popular election from the city at large on a nonpartisan ballot at a special school election.⁶

There is a tendency toward smaller boards, which give greater flexibility. It is generally recommended that there be from five to

⁴ Clarence E. Ridley and Orin F. Nolting, *How Cities Can Cut Costs* (The International City Managers' Association, Chicago, 1933), 58 pp.

⁵ Nelson B. Henry and Jerome G. Kerwin, *Schools and City Government* (The University of Chicago Press, Chicago, 1938), p. 93.

⁶ Ellwood P. Cubberley, *Public School Administration* (Houghton Mifflin Co., New York, 1929), pp. 172-173; Engelhardt, *op. cit.*, p. 72; Frank Pierrepont Graves, *The Administration of American Education* (The Macmillan Co., New York, 1932), pp. 459-461.

seven members. The terms should be overlapping and relatively long—at least four years. The authorities seem to be in agreement against the payment of compensation for school board members, the theory being that the more desirable type of member will serve just as quickly, probably more so, without pay than for the fifty or hundred dollars a month which may be forthcoming. The payment of a nominal amount frequently tends to

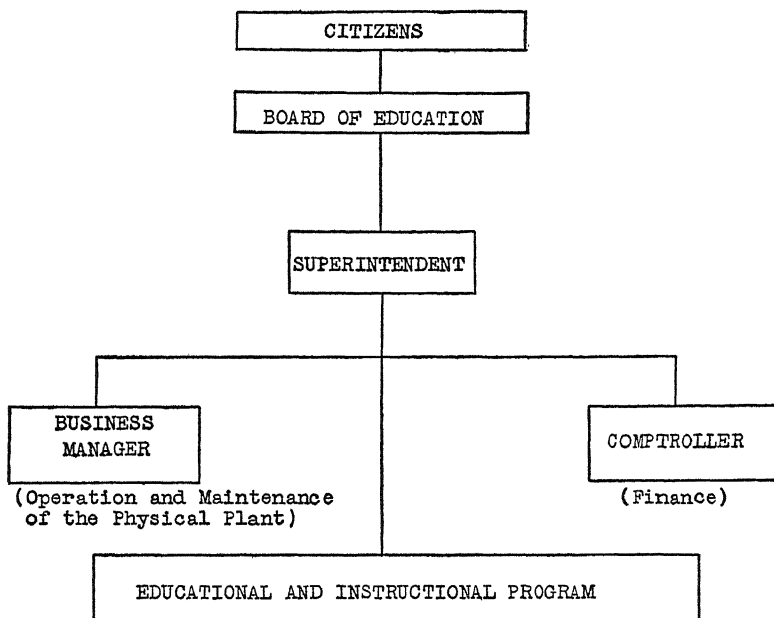


Figure 49. Simplified Organization Chart of a City School System

Note that superintendent has direct control over the business manager and comptroller as well as the instructional program.

attract the low calibre individual to whom this small additional compensation means a great deal.⁷ Furthermore, the ordinary functions of a school board should be accomplished in a short space of time if the members would confine themselves to their "legislative" function. This means that they should refrain from delving and meddling into administrative matters. A large share

⁷ Engelhardt, *op. cit.*, pp. 73-74.

of the so-called politics connected with the schools comes from this desire of board members to interfere with purely administrative affairs. If the sphere were confined to policy and general rather than detailed control, board membership would not constitute a burden upon any busy individual.

CENTRALIZED ADMINISTRATIVE AUTHORITY. It has been general practice in the past to divide the administrative activities of the school district among several different officials, each reporting directly to the board of education. Among these are frequently the superintendent, in charge of instructional activities; the business manager, concerned with the operation and maintenance of the school plant; a fiscal officer responsible for accounting, and sometimes a secretary or recorder acting in a general clerical capacity for the board. This arrangement violates modern principles of organization for several reasons. In the first place, it involves the board in too much administration. In the second place, there is no single direct line of responsibility for the administrative aspects of the district. Thirdly, the professional educator is placed on a par with other members of the staff, whereas he should be their administrative superior. Under proper organization the superintendent would be directly responsible to the board of education. Beneath him and directly responsible to him would be all of the administrative activities of the school district. Those officers in charge of accounting and financial administration, operation and maintenance, and secretarial activities would be under his supervision to the same extent as are the members of the instructional staff.

THE SUPERINTENDENT. The board of education should select a chief administrative officer for the school district. The common name for this individual is the superintendent of schools. It is usual to require that he be professionally trained, have had teaching experience, and possess those general personal qualifications suitable for leadership. Residence should not be a legal requirement for this position. While professional qualifications are important, tact and ability to get along with one's associates constitute prerequisites for success in the superintendent's position.

The superintendent should not assume an attitude of arbitrary direction of his school policies. He should establish an advisory council composed of the chief administrative heads, and all important matters of administrative policy should receive consideration in this council. The superintendent should make every possible effort to establish liaison with the teaching staff. He should see that the opinions of the teaching staff on basic matters of educational policy are given ample opportunity to reach his ears. Educational administration in a democracy surely should try to emulate the democratic ideal which it serves. This does not mean that the superintendent should abdicate his power of direction and supervision. It means that the powers of decision should remain his, but that before they are exercised, he should take his colleagues into his confidence and try to harmonize staff opinion.⁸

THE BUSINESS MANAGER. It is extremely important that the purely business activities of the school system be well handled. If the superintendent can be confident that these matters are properly taken care of, it will release his time to be devoted to the larger phases of the instructional program. A common office in the school district is that of business manager. While he sometimes reports directly to the board, the better organization, as indicated above, would make him responsible to the superintendent. In the business department are to be found such functions as accounting, purchasing, payroll control, preparation and execution of the budget, internal audit, and disbursement. Frequently the treasury and disbursement operations of the school district are handled by the corresponding county officials. The business manager also is responsible for the maintenance and operation of all school property. This places him in charge of custodians and janitors, transportation facilities, and the carrying on of construction and repairs. In all of these matters he will co-operate with the superintendent and the board, the function of the business department being to serve, not to exist as an end in itself.

THE BOARD SECRETARY. Most school boards have a secretary whose function and status correspond to that which the city clerk

⁸ Graves, *op. cit.*, p. 423.

holds toward the city council. He keeps the minutes of the board, handles the board correspondence, maintains the board's files, and frequently is custodian for such documents as deeds, leases, and contracts. The board secretary is usually appointed by the board for a relatively long or indefinite term. Ordinarily he is not a member of the board. He is an officer of considerable influence because of his close relationship with board members.

Personnel

The personnel of a school district is divided into two classes—those who require teachers' certificates and those who do not. Generally, the ratio between the two classes is approximately two and one-half or three to one—that is, it takes one non-certificated employee for every two and one-half or three teachers.

CERTIFICATED EMPLOYEES The certification of teachers is ordinarily regarded as a function of the state. This does not prevent the local school board from setting up minimum standards of qualifications. The tendency among the more progressive districts today is to require written examinations as a basis for the selection of teachers. The appointment of personnel should in no case be a board matter. It should be placed squarely in the hands of the school superintendent. However, this is contrary to general practice. The board commonly retains a considerable power in the appointment of both teaching and non-certificated personnel. There should be no residence restrictions in the selection of teachers, and local people should be given no preference.

TEACHER MORALE. The genius of America is inevitably linked with the development and maintenance of the free public school system. Whether or not that system will foster the further expansion of the democratic ideal will depend very largely upon the calibre, stature, intellect, and freedom of the teaching staff. These objectives cannot be attained unless the teaching profession is made attractive to the best Americans. To accomplish this purpose two factors must prevail: satisfactory compensation and the assurance of tenure based on effective performance. The salary schedule should strive to place teacher income upon a basis comparable with other professions requiring similar training

and background. It should be scientifically worked out, with advancement based on merit, experience, and professional growth. Perhaps it should be required that the latter be demonstrated by further continuation of education. These factors will result in improved morale, teaching, and general efficiency.

As to tenure, there should be an effort to devise a means of assuring security, while at the same time avoiding the decreased competency which sometimes accompanies too much security. In other words, the teacher should have freedom to teach and be immune from those eruptions of community emotions based upon political, religious, and patriotic prejudices. At the same time, the management of a school system should not be deprived of authority necessary to remove, transfer, or discipline teachers in accordance with the best dictates of personnel management. The achievement of this happy balance is an ideal difficult to attain in practice. It is unnecessary to add, in this day of emphasis upon social security, that teachers of the public school system should be provided with some type of retirement. This will relieve the teacher of anxiety for the future during his active life, and it will furthermore improve the quality of instruction by automatically removing the senile and superannuated.

NON-CERTIFICATED EMPLOYEES. The non-certificated employees of the school system consist largely of clerks and secretaries on the one hand and janitors on the other. There is also a wide variety of skilled tradesmen and laborers. In a large school district the non-certificated branch may include a number of well paid persons with professional qualifications, such as accountants, architects, and engineers. It is the best policy to have these people chosen by a merit system based upon competitive written examinations. In some places, such as Cincinnati, these employees come under the jurisdiction of the Civil Service Commission of the general city government. In Los Angeles the school district has a personnel commission which administers the merit system for non-certificated employees.

School Finance

SOURCES OF REVENUE. The principal source of school income in the past has been the local general property tax. The heavy

burden of this tax upon property in recent years has resulted in a drive for tax limitation on the part of real estate interests and local realty boards. This has tended to make these groups critical of school expenditures. The result has been a search for a wider and perhaps a more equitable tax base. Nevertheless, the general property tax remains the principal source of school revenue.

State grants-in-aid have been an increasing source of school revenue in recent years. Students of government know that grants-in-aid from a higher level of government to a lower one inevitably carry with them a corresponding amount of administrative control. This tendency has been resisted in the field of education with some success. The state grants to local school districts probably have not carried as many strings attached as have grants in other fields, such as highways and relief.⁹

Leaders in the field of education have for many years sought federal grants-in-aid for the purpose of equalizing educational opportunities between the states. The argument was that if Mississippi could not afford an adequate school system, Michigan and Pennsylvania should contribute to maintain it; an American child in Arkansas should have the educational opportunities of a similar child in New York or California. The school people have consistently sought federal money while at the same time resisting the federal control which has commonly accompanied federal grants-in-aid in other fields. The President's Committee on Education has recently dealt with this matter, and its conclusions are as follows:

Federal statutes and joint plans relating to all forms of education under State and local auspices should reserve explicitly to State and local agencies the administration of schools, determination of the content and processes of education, and decision as to the best uses of the allotments of Federal funds within the types of expenditures for which Federal funds may be available.¹⁰

FINANCIAL INDEPENDENCE VS. BUDGETARY CONTROL. The educationists strongly advocate that school districts have financial independence. This means independence from the general

⁹ *Ibid.*, pp. 533-534.

¹⁰ The Advisory Committee on Education, *op. cit.*, p. 199.

city government and also from the state administration. In support of their contention they advance the same argument used in favor of a board of education independent from the general city government. They say that such independence tends to eliminate politics; that education should have a different and preferred status from other governmental activities; that education is more important and that its demands cannot be postponed in a budgetary sense. There are some advocates who claim that greater efficiency results in those school districts which have an independent financial status.¹¹ They also contend that independent boards attract more capable members, the implication being that this will result in superior financial administration.

The chapter on organization in the first part of this book has already discussed the attitude of students of public administration on matters of this kind. In general they advocate a reduction in the number of special funds. They feel that practically all activities of a municipality should be subjected to the control of the general budget. Students of public administration look askance upon the tendency of special interests to secure special treatment in the governmental set-up. All special interest groups are constantly striving for special sources of revenue and independence from the control of any governmental agency. The student of public administration takes an over-all view of these situations and strives for synthesis and integration. He finds the arguments advanced by the school for financial independence no more cogent or worthy than those of the department of public works.

PUBLIC REPORTING. The school authorities should take the public into their confidence in the financial program. This involves development of a reporting system which will reveal all of the facts. It is extremely easy for critics to bring before the public comparative figures which might indicate that certain other cities are achieving much more for their money. A presentation of all the facts might reveal, in answer to such accusations, that the local system was delivering, on the basis of services rendered, value received in excess of that produced else-

¹¹ Cubberley, *op. cit.*, pp. 110-111; Graves, *op. cit.*, p. 451.

where. This matter of reporting is extremely important as a phase of public relations.¹²

Organization of School Levels

A major question of policy in school administration is the proper dividing line between the elementary school and the high or secondary school. While there is considerable difference in both practice and opinion, the trend seems to be toward a six-year elementary school, great extension of secondary schools, and inclusion of the junior college as part of the common school system.

HIGHER EDUCATION IN MUNICIPALITIES. One of the most significant trends is the tendency of collegiate education to become a municipal activity. In 1935 there were 214 public junior colleges and 305 private junior colleges, with a total enrollment of 122,311 students.¹³ At the same time there are about ten municipal universities in the United States.¹⁴ One of the most celebrated is the University of Cincinnati, with a complete range of professional schools, including medicine, law, and engineering. In Cincinnati the university is under its own separate board of trustees. In Detroit, Wayne University is a part of the regular city school system. New York City supports higher education with a total enrollment of many thousands. This includes the College of the City of New York, Hunter College (exclusively for women, except in evening extension courses), Brooklyn College, and Queens City College.

In those cities now having prosperous junior colleges there seems to be significant sentiment in favor of enlarging them to full-fledged senior colleges. There are those who question the advisability of tying the first two years of collegiate work on to a high school teaching program, as is frequently done. The alleged objections are that high-school teaching standards are not the equivalent of what should be collegiate requisites; local school

¹² J. Erle Grinnell, *Interpreting the Public School* (McGraw-Hill Book Co., Inc., New York, 1937), 360 pp.

¹³ Clarence Stephen Marsh (Ed.), *American Universities and Colleges* (American Council on Education, Washington, D. C., 1936), p. 46.

¹⁴ R. H. Eckelberry, *History of the Municipal University in the United States* (Government Printing Office, Washington, D. C., 1932), 213 pp.

boards are prone to demand heavy teaching schedules and frown upon expenditures for research. It is also alleged that the public school system does not permit the academic freedom possessed by the best of the collegiate institutions.

GREATER SCOPE OF EDUCATION. The scope of public school teaching has greatly increased in recent years. Significant indications are the development of adult education, vocational training, and classes in Americanization. The President's Advisory Committee on Education stated that vocational training should be better integrated with the regular work, not separated.¹⁵ Provision should also be made for gifted, handicapped, and subnormal children. In the past the aim of adult education has been to reduce illiteracy. Now its objectives are cultural and informational.

Problems of Educational Policy

VOCATIONAL TRAINING. Educational objectives frequently give rise to considerable controversy. Probably one of the most persistent divisions of opinion is occasioned by the question of vocational training. There are those who say that under the American system of mass education the great majority should be trained to follow some trade, occupation, or profession. The advocates of this plan would have the secondary schools become finishing institutions. They argue against the desirability of preparing all people in the secondary schools for college entrance. It is said that many would profit tremendously by confining their energies to vocational subjects, ending their formal education at the junior college level.

When the junior colleges were first founded this question became a very live one. The result in California was that the junior college curriculum was divided two ways. The certificated courses were the equivalent of two years' university work, which could be transferred for the equivalent amount of credit in higher educational institutions. The other division was the "semi-pro," consisting mostly of vocational-type courses which were not acceptable on transfer to the university. There are those who feel that there is no actual incompatibility between cultural and

¹⁵ The Advisory Committee on Education, *op. cit.*, pp. 74-75.

vocational objectives. They say that each should go together and that neither should be neglected. The President's Advisory Committee took essentially this point of view, recommending the general academic background courses combined with more intensive vocational guidance.

VOCATIONAL GUIDANCE. Personnel managers, as well as educationists, are of the opinion that a great deal of vocational counseling would be desirable, both in education and industry. Many people who are unhappy in their work, drifting here and there, and giving mediocre performance, would probably be capable of first-class achievement if properly placed. Realizing this, a few far-seeing educational institutions are providing guidance programs. Probably among the most significant of these is the testing program at the University of Minnesota.¹⁶ Under the Minnesota plan university students are subjected to a battery of tests which are thought to be quite effective in revealing vocational inclinations.

The trouble with the guidance program on both the secondary and collegiate level has been the desultory method of attack. The counseling task has been assigned to teachers who already have a full teaching load. The vocational side of counseling is expected to be an off-shoot of advisement on the choice of curriculum. Furthermore, the teachers assigned to this task usually have no special qualifications.¹⁷ Counseling requires an especially high type of personnel. To counsel effectively one must have a very extensive knowledge of trades, vocations, and industrial trends. Such a knowledge requires a contact with the work-a-day world not necessarily possessed by the superior teacher. Furthermore, a good counsellor would do well to acquire at least some of the skills of the psychiatrist, psychologist, and social worker. While this may seem to be a pretty large order, effective counseling must be based upon personnel possessing substantially these attainments.

¹⁶ Donald G. Paterson and John G. Darley, *Men, Women and Jobs* (The University of Minnesota Press, Minneapolis, 1936), 145 pp. This volume is a review of the findings of the Committee on Individual Diagnosis and Training of the Employment Stabilization Research Institute of the University of Minnesota.

¹⁷ The Advisory Committee on Education, *op. cit.*, p. 109.

MODERN EDUCATIONAL PHILOSOPHY. With the development of education as a profession during the last thirty years have come many teaching methods unfamiliar to middle-aged adults whose elementary education came prior to this development. Thus one is accustomed to hear condemnation of "new-fangled" ideas. Parents will claim that their children are not taught to spell, or that they do not learn arithmetic. Collegiate teachers commonly complain that students from the public schools do not know the fundamentals of grammar, sentence structure, punctuation, and simple rules of writing. These people say that educational methods should revert to the time-honored drill on fundamentals—the three R's. Undoubtedly the members of this school of critics are looking at the past through rose-hued glasses. The educationists answer, and probably correctly, that the public school education of today is producing a better balanced and more educated individual than was the case in previous generations.

There has been a great deal of experimentation upon the curriculum and teaching methods. One of the outcomes has been the teaching technique of using more stimulation of interest and less rule-of-rod discipline. One extreme wing of the "progressive education group" goes so far as to attempt to free the pupil of inhibitions. It is their contention that the normal development of personality is thwarted by the negative restrictions and taboos of childhood and adolescence. Their approach to the teaching process is to take advantage of the pupil's spontaneous and natural interests and inclinations and utilize them in the learning process.

The term "progressive education" is a generic one, the definition of which educationists themselves could probably not agree upon. In general they are the followers of John Dewey, who believed in a pedagogical process based upon the uninhibited flowering of the personality of the individual pupil. From this has grown a teaching approach known as the "activities method." An attempt is made to establish a real life situation in the classroom. Instead of the orthodox method of making students take a subject whether they want it or not, the modern trend is toward eliciting a spontaneous interest in a situation familiar to the stu-

dent's daily life. The educationist justifies this pedagogical procedure by saying that the pupil not only maintains greater interest, but that he actually learns more that will be useful to him later in life.

The teaching of the duties of citizenship or the citizen's part in government has been largely confined to the traditional courses in American History and a one-semester high school course in "civics." Familiar criticisms of the latter course are that it has been highly formal, the "dry bones of the constitution" being emphasized. The teaching of government in the high schools has rarely required the services of a full-time teacher, with the result that the selection of one to teach the civics course has been determined by convenience, rather than qualifications. A rather common complaint is that the course has left the student without any positive training in the problems of citizenship.

TEACHING FREEDOM. A major difficulty in the teaching of the social studies is the possibility that a conscientious teacher will run afoul of pressure groups. Teachers must constantly have their ears attuned to the reverberations of patriotic societies, local commercial interests, religious followings, and political groupings. The result is that a realistic teaching of the social studies tends to become difficult and hazardous. Nevertheless, it should be one of the major purposes of public education in a democracy to foster informed, free, and enlightened discussion of public problems. John Dewey maintains that education must tend to form attitudes which will express themselves in intelligent social action. He maintains that this is not the same as "indoctrination." Instead of being confined to extolling the virtues of things as they are, the teacher may, upon the basis of knowledge, show how they might be. This need not involve the teaching of some final philosophy, whether it be of Karl Marx, Mussolini, or Hitler. It suggests aims and attitudes in an atmosphere of free discussion.¹⁸

In 1934 the American Historical Association published the report of its commission on the social studies. This report agreed that the school cannot withdraw from the community. It is sub-

¹⁸ John Dewey, "The Challenge of Democracy to Education," *Progressive Education* (February, 1937), Vol. XIV, pp. 79-85.

ject to the imposition of special points of view of pressure groups having the greatest resources in time, prestige, and finances. The result has been that determined minorities have sometimes controlled the educational policies. The commission decided that the teacher is under no obligation to the status quo. His obligation is rather to direct education in the interests of the general social welfare. To accomplish this purpose he must be qualified to lead and free from economic stress. The latter embodies an adequate salary and reasonable tenure. He must be freed from routine and excessive teaching load so that he may have time to study and participate in community activities. The school's administrative staff should devote its major attention to improvement of teacher standards rather than perfecting the techniques of management. Boards of education should be made more representative of groups other than business. The chief administrative officers of the school should be men possessing qualifications of educational leadership and social vision. These attributes should predominate over the tendency to become unduly occupied with routine and technical administrative matters.¹⁹

The School Plant

STANDARDS. There is little reason why school buildings erected today should be poorly designed, badly constructed, or unfavorably located. Technical standards have been developed for almost every aspect of the school plant. These include the design, construction, and maintenance of buildings.²⁰ There exist well formulated guides relative to the amount of heat, light, air, and floor space per pupil. The school authorities should provide for proper liaison with the city planning commission on all matters relative to the location of the school plant. In many cities the planning agencies have made studies and acquired significant data relative to the use of land, population trends, and directions in which blighted areas are extending. A pooling of the planning resources of the schools and general city government should

¹⁹ American Historical Association, *Report and Recommendations, Commission on the Social Studies* (Charles Scribner's Sons, New York, 1934), 168 pp.

²⁰ C. E. Reeves and H. S. Gander, *School Building Management; the Operation and Care of School Plants* (Teachers College, Columbia University, New York, 1928), 395 pp.; H. P. Smith, "Survey Preliminary to a School Building Program," *Review of Educational Research* (December, 1932), Vol. II, pp. 346-363.

produce a more enlightened planning of school plants.²¹ The school authorities have complained that the writers on city planning have given little attention to schools. They furthermore complain that actual city plans devote scant space to educational facilities. When they do devote attention to schools, they fall short of the standards set up by educationists.

MAINTENANCE AND OPERATION. An important question is how to organize the maintenance and operation of a school plant. It is fairly well agreed that there should be a central maintenance division. In an organization of any size this should include warehouse, service yard, garage, machine shop. This central maintenance division should be under the business manager, who is in turn responsible to the superintendent. The custodians and other maintenance personnel assigned permanently to particular schools should be administratively responsible to the principal. It is a good principle of organization that the head of a field unit should have managerial control over both functional and house-keeping activities. This can prevail while at the same time subjecting custodians to an effective amount of supervisory direction from the business manager. There will be a number of maintenance activities not directly associated with any particular school. The workers needed will include painters, automotive drivers and mechanics, carpenters, furniture workers, gardeners, and almost every type of skilled craftsmen. The principle to be followed is that when any of these is assigned permanently to a school, he shall be administratively responsible to the principal. When he is assigned to the warehouse or on itinerant projects, he is responsible to the central business office.

Co-ordination of Activities

It goes without question that school activities should be co-ordinated with other related municipal functions. In practice, however, this co-ordination has not been very well achieved. The President's Advisory Committee recommends a co-ordination in school and municipal activity in the fields of health, welfare, and

²¹ R. A. Holy, *The Relationship of City Planning to School Plant Planning* (Teachers College Contribution to Education No. 662, Columbia University Press, New York, 1935), 135 pp.

guidance.²² There should also be co-operation in such activities as libraries, delinquency, and the use of school buildings for the general public convenience. It is becoming more and more the practice for schools to have school clinics, nurses, and doctors. It goes without saying that these should co-operate very closely with the public health programs of the city and the county. Guidance work ties up rather closely with the objectives of the United States Employment Service and that of the various states.²³ There is no reason why there should not be an actual integration of the guidance service of the city public schools with that of the state employment office. It goes without saying that the public libraries and the schools have very much in common.

SCHOOL ATTENDANCE. The old-fashioned "hookey cop" has been replaced by an attendance officer. It is the purpose of this individual to pursue a remedial policy, removing the cause of absence by investigation rather than by inflicting indiscriminate punishment. In this respect he fits very well into the new remedial approach to juvenile delinquency. School officers have their very definite place in co-ordinating councils, along with the representatives of the police, recreation, welfare, probation, and character-building organizations.

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CHAPTER XXVI

PARKS AND RECREATION

Recreation as a Municipal Function

The maintenance of a park system has long been a familiar and accepted municipal activity. Today one frequently finds in addition to the city park organization an entirely separate unit devoted to play and recreation. To be sure, this is not always so, for there is an increasing tendency to combine park and recreation administration. Nevertheless, the separation of these activities is sufficiently widespread to call for an explanation of the factors underlying that cleavage.

At the beginning of the present century, park administrators were landscape-minded. The lay boards which headed the park departments were composed of persons interested in the formal aspects of park development. The professionals were quite often expert horticulturists. The result was that there often prevailed in park administration a philosophy that park beauty should not be profaned by the vulgarizing impact of the masses participating in athletic and other outdoor recreations.

At the close of the nineteenth century the deteriorating influences of urban industrialism were forcing themselves upon the attention of humanitarian philanthropists. Large slum areas had little or no play and recreation facilities for children. The result was an attempt on the part of private philanthropic and social agencies to acquire and develop playground centers in slum areas. Frequently when park executives were approached with the suggestion that the park be turned into playgrounds or that suitable facilities for play be furnished, they hesitated because of the prospect of injuries to lawns, trees, flowers, and shrubbery. It soon became apparent, however, that the playground needs could not be met wholly through private effort, with the result that the publicly owned playground movement was inaugurated.

The last decade has seen park administrators and recreation leaders coming closer together. The park systems of the country have developed mass recreation facilities quite extensively. On the other hand, the recreation people have become more aware of the need for beautification of their premises and of maintenance problems. It probably could be said in generalization that while park executives still tend to be oriented in the field of horticulture, engineering, construction, and maintenance, they are nevertheless becoming desirous of making the parks a place for all the people to utilize to the fullest extent. On the other hand, the recreation group is still largely oriented in the field of supervised and group play. They would like to make attractive to the average individual regular exercise, wholesome use of leisure time, healthful recreation, and the development of constructive hobbies. There is no inherent reason why the traditional approach of the park administrators could not be harmonized with that of the recreation group. It is probable that the happiest situation, from the standpoint of municipal administrators, exists where park and recreation people work harmoniously together in the same department.

JUSTIFICATION OF EXPENSE. Municipal expenditure for recreation is justified upon a number of grounds. In the first place, it is claimed that it reduces juvenile delinquency. There have been a number of studies which have revealed that the establishment of playgrounds tends to reduce the rate of juvenile delinquency.¹ On the other hand, there are those who advise caution in making extravagant claims in this direction.² They contend that playground facilities available in any delinquency area are too meagre to make a significant dent in the problem. Under such circumstances statistical comparisons and correlations may show neutral or negative results. However, forward-looking juvenile officers, social workers, and recreation administrators are convinced that the public playground is one of the major sectors upon which to attack the problem of juvenile delinquency.

¹ George H. Herrold and Katherine B. Spear, *Recreation Survey of St. Paul, Minnesota* (St. Paul City Planning Board, 1934), pp. 154-155; *Report of the Department of Parks, City of Seattle, 1923-1930*, p. 100.

² Andrew G. Truxal, *Outdoor Recreation Legislation and Its Effectiveness* (Columbia University Press, New York, 1929), p. 165.

Recreation is also justified because it contributes to the health and physical fitness of the people. An effort is made by the recreation leaders to induce individuals to become participants rather than mere onlookers. It is expected that such participation will contribute not only to raising standards of public health and physical well-being, but to adjusting people to modern society. By training people to play together, they learn to assume their appropriate rôles in society in general. Improved physical fitness facilitates economic well-being. Experience in group play articulates the individual into his proper niche in political and social democracy.

Since 1929 there has been an ever-increasing emphasis upon facilities for adult recreation. The expenditure of public funds on such activities is justified largely on the grounds that it helps bolster the morale of the unemployed.³ Public recreation facilities offer an outlet for the energies of those workers who are condemned to involuntary leisure. It is claimed that upon the public playground they will be participating in constructive activities, thus avoiding the possibility that they will brood over their misfortunes and engage in anti-social movements. There are even those who insist that such public expenditure is not an actual expense. Money properly expended for recreation in blighted slum areas would tend to relieve the pressure upon the social welfare and protective activities of the municipality. Recreation would improve health and thus reduce public health expenditures. It would reduce delinquency and thus tend to lessen the demands upon the police. By making people healthier and more self-reliant it would help them to become self-supporting, thus relieving the welfare budget.⁴

In addition to its share in the prevention of delinquency, crime, and ill health, public recreation is being increasingly supported for its positive contribution to the enrichment of lives through wholesome and interesting use of leisure time. The recreational opportunities afforded large numbers of the lower

³ Randolph O. Huus, *Financing Municipal Recreation* (George Banta Publishing Co., Menasha, Wisconsin, 1935), p. xix; Martin H. Neumeyer and Esther S. Neumeyer, *Leisure and Recreation* (A. S. Barnes & Co., New York, 1936), pp. 269-310.

⁴ Herrold and Spear, *op. cit.*, p. 154.

and middle income groups are looked upon as a logical extension of the principle of equal opportunity upon which American democracy is based.

Planning for Recreation

CITY PLANNING FOR PARKS AND PLAYGROUNDS. In many urban slum areas the only open places for children to play are the streets. Thus in certain sections of New York particular streets are fenced off and used for public playgrounds at specified hours of the day. In other places it is impossible to do this without impeding traffic or closing the doors of business houses to commerce. Children will play in the streets even though forbidden to do so. Hence it becomes not only desirable but necessary to furnish playgrounds for the purpose of keeping children out of channels of traffic. In existing slum areas this becomes a very expensive problem. The blighted tenement districts which surround the downtown business district are usually held at very high speculative prices. Nevertheless, these are the places possessing the highest density and worst living conditions in practically all of our metropolitan areas.

The problem is not only one of providing the necessary open spaces but also of getting the children to and from their homes without having to cross heavy traffic. This matter is well provided for in the new urban middle-class housing developments such as Radburn, New Jersey. Here the planning layout and design provide for huge units of approximately thirty acres where the children go to school and play, without ever crossing a highway. These so-called neighborhood types of layouts provide for housing units along *cul-de-sac* streets branching off from the highways surrounding the area. In the center of the large block will be playgrounds, athletic fields, and other recreational and cultural units.⁵ It is of course impossible to foresee any immediate possibility of applying neighborhood layouts to downtown slum areas. There may come a day several generations hence when society will become so conscious of slum conditions as to be willing to pay the price for their entire recon-

⁵ Thomas Adams, *The Design of Residential Areas* (Harvard University Press, Cambridge, 1934), 296 pp.

struction. In the immediate future it is possible to look forward only to piecemeal alleviation.

PLANNING FOR FUTURE USE. City planning should provide for the proper amount and spacing of park and recreation areas. The matter can often be taken care of in new subdivisions by getting the subdividers to dedicate the proper park and playground space. However, there is a hazard in this procedure. The indiscriminate dedication of small parcels may leave the city with an upkeep and maintenance obligation entirely disproportionate to the usefulness of the facilities provided in this way. The proper manner of forestalling this eventuality is to think forward many years by placing recreation areas desired in the future on the master plan and amending the official map to provide for them. If such recreation areas are placed upon the official map, proposals to use them otherwise will automatically come before the city authorities. At that time steps may be taken to acquire the land for the intended recreational use.⁶

PHILOSOPHY OF RECREATION. In the beginning playgrounds were designed for underprivileged children, and the leader assumed a paternalistic attitude. Since that time the philosophy of recreation has developed to the point where public facilities attempt to cater to all of the people. Recreation leaders consciously solicit and stimulate the widest possible clientele of playground patrons. There was a time when leaders thought it their duty to induce everyone to participate in a certain form of group play under supervision. This approach has been changed to one wherein the leader finds out what they want to do and finds facilities for carrying out their wishes. While he does continue to oversee activities and detect destructive and anti-social behavior, he does not dictate what to do. The contemporary concept of recreation includes an interest in an individual's social and emotional growth, as well as physical. This has led to providing public band concerts, art galleries, and free lectures. Many recreation departments also produce pageants and other dramatic productions, and foster local band and orchestra activities as well.

⁶ Russell Van Nest Black, *Planning for the Small American City* (Public Administration Service, Chicago, 1933), p. 307.

TYPES OF PLAY AREAS. In order to provide the facilities for these widespread activities, playground areas must be established on the basis of both convenience and adequacy. The National Recreation Association has set up certain standards. In the first place, they say, there should be one acre of recreation or park space for every one hundred people. In the second place, there should be a children's neighborhood playground located so that any child could reach it by going not more than one-half mile or not more than one-quarter mile in a congested district. These units should be from three to five acres in extent, probably located adjacent to a school away from busy streets, and should cover about one acre for every thousand people. There should also be a neighborhood play field for young people and adults on the basis of one acre to each one thousand population. One of these should be within a mile of every home, and in congested areas there should be one for every square mile. The layout will provide for such sports as baseball and tennis and possibly for a fire-place, swimming pool, field house, recreation room, and dressing facilities. For every forty thousand people there should be one recreation park one hundred acres or more in extent. Each large city should have scenic natural parks—extensive natural areas consisting of a thousand acres or more. In addition to these units there should be golf courses, swimming pools, athletic fields or stadia, and municipal camps. The park authorities should also provide small landscape "in-town" parks and parkways.⁷ The cities of the nation fall short of attaining these standards.⁸

COMMUNITY CENTERS. The community center is a recreation building located in the residential district. It offers an organized recreational program attractive to all types of people. The resourceful and competent director attempts to build a community spirit or morale around the community center. He sponsors a varied program of activities to fit into the special needs and interests of his clientele. Younger boys will be taught to make minia-

⁷ George D. Butler, "Types of Municipal Recreation Areas," *Recreation* (March, 1937). Vol. XXX, pp. 595-598. Also consult Unsigned, "Space Requirements for Children's Playground," *Municipal Index and Atlas, 1934-35* (American City Magazine Corp., New York, 1935), pp. 489-490.

⁸ W. W. Pangburn, "Municipal Recreation for the New Leisure," *Public Management* (July, 1935), Vol. XVII, pp. 191-192.

ture airplanes; adults will have their bridge groups. The building will also serve as a meeting place for civic gatherings.

Finance

Recreation, being one of the most recent municipal activities, has had to justify itself as a charge upon the taxpayer. The philosophy that the state is responsible for the play and leisure time of the people is a far cry from the old individualism. Only yesterday it was naturally assumed that what the individual did with his idle time was no concern of the state so long as he kept out of the toils of the law. The result is that the municipal recreation leaders have had to put up a persistent struggle to obtain a portion of the tax revenues. It was only natural that they should desire to assure the stability of their revenues through special tax levies. Prior to the depression of the 1930's, recreation was always one of the first to feel the economy axe. However, with the increase in demand occasioned by the army of unemployed, and with the inducement of federal relief funds, the recreation program has been not only maintained but expanded during the 1930's. A large part of the revenue for personnel has come through supplying W.P.A. workers as play and recreation supervisors.

CHARGES AND FEES. The question always arises as to whether or not public recreation participants should not at least partially pay their way through fees. This should certainly be the case of expensive activities indulged in by only a few. For instance, golf and rent of horses usually provide fees. It is quite generally felt that recreation service to children under fourteen years should be free. Services available to adults should be partly free, fees being charged in particular instances where costs and circumstances make it advisable. It is felt that charges should never exceed the cost of operation and maintenance. Profit-making in such enterprises may defeat the objective of spreading the recreational opportunities to as many citizens as possible.

Structural Organization

TYPES OF ADMINISTRATIVE AGENCIES. There are several possible ways of organizing parks and recreation from the standpoint of their position in the municipal structure. In the first

place, some cities have entirely separate park and recreation departments. In still other municipalities, park and playground activities have been combined into a single unit. In a few instances the public school authorities have assumed the responsibility for the recreation program. Whichever one of these options may be chosen, both the park and recreation groups favor the commission or board type of organization. They feel that park boards have been largely responsible for the establishment of our existing city park services. This may be due to the fact that the commissions have frequently attracted outstanding and influential citizens. The recreation people have felt the need of commissions in their uphill struggle for participation in tax revenues. It is needless to say that both park and recreation groups have utilized the familiar and traditional argument for commissions—that they aid in keeping free from politics. The advantages of unified administrative control, however, are considerable in this field, as in others. Influential lay advisory boards may be useful in promoting the developmental program, but greater efficiency will result from a single administrator responsible to the chief executive.

RECREATION AND THE SCHOOL. The relation of the public schools to the general municipal recreation program is a question open to serious discussion. At first glance it would seem that the schools should take a large part in, if not actually direct, the entire municipal program. This conclusion is commonly reached by virtue of the fact that the schools already have playgrounds which are idle a considerable portion of the time. What would be more natural than that both school grounds and buildings be thrown open to community use when not devoted to regular instructional purposes? Furthermore, it is argued by some that in these days of industrial unemployment it is the duty of the school system to train all citizens in the proper use of leisure time. This concept also fits admirably into basic philosophies of education now current. These look with favor upon association of the learning process with participation in activities. The new educational psychology advocates learning by performance and participation in actual life situations. This is said to contribute to the development of a well-rounded personality. Hence, it appears quite

logical that public recreation constitutes a part of public education.

In spite of these perfectly logical arguments in favor of the administration of recreation by the school authorities, there are some obstacles to the expansion of the school program in this direction. School boards hesitate at any added expense. Even though the schools already possess playgrounds and physical facilities, they must hire additional personnel to supervise them after school hours and during vacations. Furthermore, the liability factor has sometimes deterred school boards from opening school grounds to general recreation purposes. The instances in which the courts have granted damages for injuries to children have been just frequent enough to serve as dampening elements in some localities. Then, of course, there is the omnipresent conservative attitude which some have toward the function of the schools. Those who would confine the curriculum to disciplined drill on the three R's would necessarily look upon supervised play as an educational frill.

Some members of the professional recreation group find still other objections to having the school authorities dominate the recreation program. In the first place, school boards will not regard recreation as their field of primary interest. Often they will be only lukewarm toward it. Hence, recreation will be denied that aggressive promotion which its supporters naturally hope to secure. Association with the schools may often mean that integration with the park program will not be possible. It is also claimed that the training of teachers does not fit them to become playground workers. Whether justly or unjustly, the school premises are often associated with discipline and coercion in the child's mind. Finally, adults hesitate to use the school premises for their own leisure, probably due to a feeling that they do not belong there.

A CO-ORDINATED PROGRAM. In spite of all of these objections to the use of the schools for general recreation purposes, the fact remains that the trend is toward increased participation of the school authorities in municipal playground administration and direction. This participation may take various forms. The school authorities may expand their own services to dovetail into

a general program without surrendering control. In other cases, the entire municipal recreation department may become a part of the school system, as in Milwaukee. A popular arrangement on the Pacific Coast has been to establish a co-ordinator who has joint responsibility to the school and general city authorities. While this arrangement defies the tenets of good organization, it nevertheless seems to work with considerable satisfaction in places like Long Beach and San Diego. Those communities are small enough that co-ordinators can function on more or less of a personal basis. Some leaders in the field feel that this arrangement would not be adaptable to larger cities, because the co-ordinator would be dissipating his time in the mechanism of contacts with his several bosses.

RELATION TO OTHER CORRECTIVE AND CHARACTER-BUILDING ACTIVITIES. Municipal playgrounds may be justified both as body-builders and character-builders. The playground director has recently become an important cog in community-wide efforts to reduce juvenile delinquency. He works hand in hand with the police, school authorities, social workers, and community chest organizations to prevent delinquency. A familiar medium for such co-operation is the co-ordinating council. These are purely voluntary and rather loosely organized vehicles of co-operation. They are constituted through a series of committees eventually reporting to the community-wide council. They are composed of representatives of such agencies as the Y.M.C.A., Boy Scouts, public schools, police, probation workers, and playground supervisors. If a youngster gets into trouble, his case is referred to the local council in his area, and every effort is made to rehabilitate him. The council itself does not actually deal with the child; it merely studies his case and suggests a program wherein he is referred to the proper agency for supervision. Frequently it is found advisable to have him report to the playground director in his community. In such instances the latter must make every possible effort to avoid the rôle of prison guard and disciplinarian. He must attempt to become friendly guide, counsel, and social worker. Potential delinquents must be encouraged to spend their idle time in a constructive manner and be made to like it.⁹

⁹ Neumeyer and Neumeyer, *op. cit.*, pp. 216-218.

Internal Organization

PERSONNEL. The development of recreation as a full-time municipal activity has given rise to the question of personnel. What aptitudes, characteristics, or training are desirable and necessary to produce a good recreation worker? In the beginning public playgrounds were largely upon a part-time basis, with the result that the professional playground worker has been slow in developing. The compensation has been universally low and at times even niggardly. The common idea was that anyone could keep children out of trouble, with the result that there was a lack of emphasis upon professional requirements. Today it is becoming recognized that professional training is desirable. This training should be both academic and practical. There are few if any schools which give a thorough-going course in recreational leadership. A well-qualified leader should have skill in all activities to be led or organized. He should possess a broad cultural education, have been exposed to teacher-training and pedagogy, and understand the technique of leadership. Because the bulk of the program is vigorous outdoor sport, athletic ability is important. This does not mean that all leaders must be young. The older worker can continue as an organizer and promoter. The physical education major in teacher training is not entirely satisfactory in preparation for this field, both because it is too limited and because the teacher is apt to be disciplinarian-minded. The teacher approach tends to be formal and dictatorial, while recreation should be informal and democratic.¹⁰

The total number of persons devoting themselves to public recreational activities has increased during the depression years. This is in spite of the fact that municipal playground departments have had to operate under decreased budgets. The expanded activities have come almost entirely from federal emergency spending. Physical facilities have been expanded through P.W.A. and W.P.A. grants to construct community centers, swimming pools, tennis courts, grandstands, and stadia. In some instances the prospect of federal funds has stimulated

¹⁰ The information in this last paragraph is taken largely from an interview of March 11, 1936, with George Hjelte, General Manager, Playground and Recreation Department, City of Los Angeles.

municipalities to acquire additional playground land. Moreover, thousands of W.P.A. workers have worked as playground supervisors and recreation leaders. These are the factors which have made possible an expanded recreation program during the depression years. The fact that W.P.A. workers carry on alongside regular playground leaders in a sense makes a relief worker a competitor with the regular staff. This experience enables the W.P.A. worker to develop a certain minimum proficiency in recreation leadership, which in turn makes him a potential competitor for recreation jobs with the regular worker. Such a process tends to give basis to the belief that an untrained worker can rapidly acquire proficiency in recreation leadership. If low training requirements become a permanent policy, a low wage policy must inevitably go with it. There is serious possibility that it may have a long-run deterring effect by failure to induce the right people to enter the profession.

PUBLIC RELATIONS. Public recreation facilities should be made as enticing and attractive as possible. It is usual practice for the superintendent to control playgrounds by getting information on attendance. The directors of the individual units are expected to make hourly and daily counts or estimates of attendance. This places the directors in competition with each other on the basis of the fullness of the use of facilities. Directors of neighborhood playgrounds are expected to make as many community contacts as possible. Some would even go so far as to have them make house-to-house canvass of their entire service area. On these occasions the director would inform the occupants of the house of the facilities available, extend invitations to all the family, and take a census of potential playground patrons.

Most professional workers in this field are very much aware of the desirability of proper public relations. This is probably one reason why the emphasis has changed from supervised group play to one of letting participants choose what they want to do.

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CHAPTER XXVII

LIBRARIES, MUSEUMS, AND MUSIC

More than ten thousand persons attended a single performance of the popular operetta "Roberta" presented as a community enterprise by the St. Louis Municipal Opera in its twentieth season, 1938. A news item revealed that the season's attendance reached a total of 754,131 persons, and further, that the opera had a small surplus from the 1937 season and expected at least to break even in 1938.¹ News reports such as this, and many more publicizing the musical, literary, and artistic programs being carried on today in every part of the United States, give ample evidence that American municipalities have become increasingly interested in tax-supported activities fostering culture and the arts.

During the pioneering period Americans were too busy building industry, exploiting natural resources, and settling the West to have much time for culture. For the most part persons to whom aesthetic values meant more than seeking material riches remained in the settled areas, and the pioneers of the new land regarded utility as the standard by which all production and activity should be judged.² Culture was "highbrow" and intended only for women, children, and male weaklings. To be sure, there were relapses, and in the 1880's the aesthete, Oscar Wilde, preaching a gospel of art and beauty, could fill assembly halls across the continent at prices as high as \$1.50 a seat. As a matter of fact, he was regarded as something of a sideshow after he interspersed his philosophical remarks about beauty with his opinion of culture in America, horrifying Chicago by criticizing the aesthetic effect of its water tower and remarking in Cincinnati, "I wonder

¹ Unsigned, "What American Cities Are Doing," *Public Management* (October, 1938), Vol. XX, p. 314.

² James Truslow Adams, *The Epic of America* (Little, Brown & Co., Boston, 1937), pp. 122-123.

that criminals do not plead the ugliness of your city as an excuse for their crimes.”³

However, the widespread ventures toward the establishment of public libraries, art museums, symphony orchestras, and operas had to await the stabilization of the great fortunes, the foundations of which were laid during the last half of the nineteenth century. As one writer facetiously remarked, “European peoples can build their culture on the accumulated bequests of their talented ancestors. American aesthetic culture has to be synthesized out of the ancestral dollar.”⁴ It was between 1887 and Carnegie’s death in 1919 that the great steel baron financed the building of public libraries in a total of 1,946 municipalities in the United States.⁵ The Huntington Library and Art Museum in San Marino, California, resulted from a fortune built in the Southern Pacific Railroad. Millions of dollars of wealth have gone into the treasures of the ages accumulated in the Metropolitan Museum in New York City through gifts from such men as J. P. Morgan and Frank Munsey.⁶

Support of the opera and other forms of music has been an acknowledged municipal function in continental Europe for many centuries.⁷ Thus La Scala, the opera house through which the doors to stardom open for all parts of the world, including the New York Metropolitan, is a municipal enterprise in Milan, Italy. In the United States until recent years, however, the support of opera and symphony orchestra has been for the most part the philanthropic luxury of the millionaire. The generosity of such persons as Carnegie in Pittsburgh and Higginson in Boston laid the foundation for the slowly developing interest in musical activities that is now evident and widespread. The musical devel-

³ Lloyd Lewis and Henry Justin Smith, *Oscar Wilde Discovers America (1882)* (Harcourt, Brace & Co., New York, 1936), p. 189.

⁴ T. R. Adam, *The Museum and Popular Culture* (American Association for Adult Education, New York, 1939), p. 50.

⁵ Theodore W. Koch, *A Book of Carnegie Libraries* (The H. W. Wilson Co., New York, 1917), 226 pp. In 1935 the number of public libraries in the United States had grown to 6,235, containing 100,470,215 volumes. Louis R. Wilson, *The Geography of Reading* (American Library Association and The University of Chicago Press, Chicago, 1938), pp. 14, 51-56.

⁶ Charles A. Beard and Mary R. Beard, *The Rise of American Civilization* (The Macmillan Co., New York, 1930), p. 741.

⁷ Kenneth S. Clark, *Municipal Aid to Music in America* (National Bureau for the Advancement of Music, New York, 1925), pp. 7-11.

opment of America, according to the Beards (quoting the opinion of Walter Damrosch), has been largely fostered by women and influenced by the fact that music was considered by the common people to be a sign of good breeding and "accomplishment" and therefore to be cultivated.⁸ Prior to 1900 only five of thirteen outstanding American symphony orchestras had been founded, New York, Chicago, and Boston being pioneers in the field.⁹ Today one finds symphony orchestras in even the smaller communities throughout the country, and other musical activities in proportionately great number.

There is no doubt that America is becoming culturally conscious. The frontier is conquered, the expansion of industry has become stabilized, and the uneconomic waste of natural resources has been curbed. The depression of the 1930's threw millions of people out of a livelihood and wiped away the incipient riches of hundreds of thousands more. The result has been a sobering reappraisal of objectives. There is in the America of the 1940's much less of the get-rich-quick spirit. Americans as a whole are much more reconciled to leading a complete and wholesome life with what they have. Furthermore, despite the status of the unemployed, at least three-fourths of Americans today have a standard of material well-being far beyond that ever before attained by mankind. This is true despite the inequalities in the distribution of national income.¹⁰ An increased demand for leisure-time activities, together with education in aesthetic values, directly through the schools and indirectly through the radio and advertising—these and many other causes have resulted in a greater popular interest in artistic presentations.¹¹ It is no longer considered "highbrow" or effeminate to enjoy an art exhibit or a symphony concert.¹² If this were not the case America's great

⁸ Beard, *op. cit.*, p. 457.

⁹ Frederick P. Keppel and R. L. Duffus, *The Arts in American Life*. Monograph published under the direction of the President's Research Committee on Social Trends (McGraw-Hill Book Co., Inc., New York, 1933), pp. 169-170.

¹⁰ National Resources Committee, *Consumer Incomes in the United States* (Government Printing Office, Washington, D. C., 1938), pp. 1-12.

¹¹ For a fuller discussion of trends in art and culture in the United States, see Keppel, *op. cit.*, 227 pp.

¹² It is suggested that one influence in this regard was the contact by American soldiers during the World War with the Old World traditions and attitudes. President's Research Committee on Social Trends, *Recent Social Trends in the United States* (McGraw-Hill Book Co., Inc., New York, 1933), p. 962.

corporations could not afford to pay thousands of dollars every week for radio broadcasts. Although old-stock Americans probably never will thrill to the opera as do the Italian lower classes, nevertheless America is becoming conscious of art and culture. This is a logical happening in every nation which has emerged from the roisterous, blustering period of pioneering. It is the purpose of this chapter to give a brief survey of the part municipal government is taking in the field of libraries, music, and other arts.

Municipal Library Administration

HISTORICAL DEVELOPMENT. The municipal public library is a development of the last half century. Municipal activities of a cultural nature have had to struggle for recognition. The type of politician inhabiting the city hall of thirty or forty years ago was uncultured and frequently illiterate. In addition to having very little natural attraction for him, the cultural activities provided no opportunity for the distribution of political largesse. A man who never read a book in his life had scant sympathy for those who wanted to furnish books to the populace at public expense. Indeed, it is probable that the self-styled "practical" American who frequented the city hall in those days tended to be distrustful of books. Too great a dissemination of knowledge among the masses might not favor maintaining persons of his type in power. As a matter of fact, his forebodings may not have been inaccurate, for the civic renaissance which resulted in the elections of LaGuardia in New York and Bowron in Los Angeles probably is in some way associated with the greater sophistication of the electorate resulting from the more widespread dissemination of knowledge. In this movement the public library has been one factor and probably a rather important one.

Public libraries usually started as the result of the interest of a small group of intelligent, progressive, and civic-minded citizens. Nearly always these interested persons would have to struggle against public indifference and political opposition to secure even miserly appropriations. Frequently they received only insults at the city hall. Mr. Carnegie gave a tremendous impetus to the library movement in the United States by making funds

available to hundreds of cities for attractive and comfortable quarters. However, his gift was usually confined to the presentation of the building. The community was required to furnish the site, fill it with books, and guarantee proper maintenance. This brought to many communities the first assurance of continuous library service.

LIBRARY BOARDS. These early obstacles encountered by the pioneer sponsors of public libraries are directly responsible for the fact that most public libraries today are operating under their own independent library boards or commissions.¹³ In cultural activities such as the library there is a valid argument in favor of board administration which does not exist, at least to the same extent, in the older municipal departments. That is the function of the board as sponsor and buffer. These activities have had to fight for recognition and financial support. They have run up against the opposition of the politician who was afraid of them, an entrenched capitalism which did not want to pay taxes for mass culture, and the dead weight of public inertia and indifference. Library, park, recreation, and social work commissions probably have justified themselves from this angle. The opposition of students of public administration to independent boards and commissions is therefore somewhat mitigated in the case of libraries. There has probably been no field of municipal activity in which more upright and public-spirited citizens have served. If all independent commissions had operated as have library commissions, the prejudice against multiple department heads would probably be much less than it is today. However, the generations to come will undoubtedly recognize the support of recreational and cultural programs as normal and justifiable activities of municipal government. When that time comes, there would seem to be no reason why a municipal librarian should not be directly responsible to the city manager, probably retaining a library board in a purely advisory capacity.

FINANCIAL ADMINISTRATION. To speak of a library "system" is decidedly misleading, declares Joeckel,¹⁴ for the library's

¹³ Carleton Bruns Joeckel, *The Government of the American Public Library* (The University of Chicago Press, Chicago, 1935), p. 344.

¹⁴ Joeckel, *op. cit.*, p. 341.

program has been largely opportunistic. Nowhere is this more evident than in the varied procedures and policies characterizing the financial administration of libraries. Frequently municipal libraries have their own fixed tax levies. Thus in the city of Tacoma the library commission is authorized to receive an amount equivalent to ten cents on the hundred dollars of assessed valuation.¹⁵ About two-thirds of the cities in the United States of over 30,000 population, however, make regular appropriations from the general fund for library support. Although library people have long sought the protection of the minimum guaranty embodied in the special tax levy, it is claimed that in comparatively few cities is this rate high enough to put the library in a preferred position.¹⁶ In recent years librarians themselves have become aware that tax levies based on assessed valuation are unstable in times of decreasing property values. One authority on library administration suggests that instead of the fixed tax levy, a more logical principle would be a legal minimum based on a given amount per capita.¹⁷ He agrees with public administrators, however, that "the amount received by the library should be based on the need for service rather than on the wealth of the community."¹⁸ It is not unreasonable to predict that, just as the need for a library board is eliminated by the general acceptance of library maintenance as a function of government, so may the special tax levy be made unnecessary in the future. The library would then compete on an equitable basis with other city departments for its share in the municipal budget.

In most cities where there is a legal minimum library tax the library commission itself budgets its income without being required to secure the approval of either the mayor or the city council. Librarians in general favor this arrangement for the same reasons that all functional interest groups would like to

¹⁵ This fixed minimum is the highest of any city in the United States. Los Angeles and Alameda are next highest, with seven cents per hundred dollars valuation required. *Ibid.*, p. 219.

¹⁶ In 1936, Los Angeles, San Francisco, San Antonio, and Tacoma had the highest fixed minima, but in 94 cities of over 100,000 population they ranked 15th, 45th, 90th, and 49th respectively in library operating costs. See Carl H. Chatters, "Financing the Library as a Municipal Service," *Library Quarterly* (January, 1939), Vol. IX, pp. 1, 13.

¹⁷ Joeckel, *op. cit.*, p. 221.

¹⁸ *Ibid.*, p. 346.

have unrestricted control of a fixed per cent of municipal revenue. However, the growing tendency toward an integrated city government is reflected in the increasing number of cities in which the municipal administrative head has authority at least to make recommendations concerning the budgeting of library expenditures.¹⁹

Three other financial problems have their basis in what Joeckel terms "the separatist tendencies of library administration and the growing centralization of municipal functions."²⁰ These are purchasing, the control of the library funds, and accounting procedures.

Librarians feel that although they may concede to the city purchasing department the authority to buy such standard equipment as office and building supplies, the purchase of books, magazines, book binding supplies, and similar specialized articles should be left entirely to their own discretion. It is probable that some saving could be effected by the centralized purchasing of even these technical supplies, but this is not frequently done at the present time.

The control of library funds is most often in the hands of the city treasurer, with the library retaining the right to make expenditures subject only to budgetary limitations. However, in comparatively few cities is the entire routine process of spending library funds entrusted to the municipal finance department. With the general trend toward further integration, it seems likely that this function too will more and more frequently be undertaken by the central department.

Accounting for library funds has been a source of difficulty because in many cases both the library and the city have felt it necessary to keep detailed records, which results in unnecessary duplication of effort. A possible solution to this problem in a large jurisdiction may be the assignment of one member of the municipal accounting staff to spend at least part of his time at the library as its special accountant.²¹ A further difficulty lies in the fact that the accounting practice of most municipalities is at variance with the standard expenditure classification system

¹⁹ *Ibid.*, p. 222.

²⁰ *Ibid.*, p. 222.

²¹ *Ibid.*, p. 225.

approved by the American Library Association. This approved system was set up in an attempt to make possible a comparison of library expenditures in different localities.²² Further study and co-operation by library people and municipal finance administrators will undoubtedly achieve uniform procedures and improve methods of providing both city and library officials with all necessary records without undue duplication.

LIBRARIANSHIP A PROFESSION. As the public library has become an increasingly vital factor in American life, the result has been a need for higher personnel standards. There has come into library work a group of young men and women with intelligence, education, bearing, and cultural background far above the average. They have worked long hours, frequently with fervent devotion and usually at miserable compensation. In the early days of libraries workers were very poorly paid, if at all. As is the case in most of the newer cultural activities, the wage scale of librarians today is far from being commensurate with the training required. Moreover, those who have been really qualified and trained have seen the market for their services flooded due to low legal qualifications. The result has been a struggle for higher personnel standards and professionalization of the service. Civil service has not been popular with librarians; in general, personnel improvement in libraries has had to come in other ways. "Instead of being considered a measure of reform and a desirable protection against the spoils system, civil service has quite generally been regarded by libraries as an administrative handicap to be avoided at all costs."²³ Approximately twenty-two cities of over 30,000 population have adopted civil service rules entirely or in large part covering their library employees. Included in this group are Chicago, Los Angeles, San Francisco, Oakland, and Milwaukee.²⁴

Instead of civil service there has developed a movement toward legal certification for library work similar to professional requirements in the teaching field. In September, 1938, the American Library Association reported that legal certification was required

²² *Ibid.*, pp. 224-225.

²³ *Ibid.*, pp. 213-214.

²⁴ *Ibid.*, p. 214.

for public library employment in eleven states, for county libraries in ten states, and for state-supported college and university libraries in five states. In addition, twenty-six states and the District of Columbia require certification for service in school libraries.²⁵ This growth in certification, though in its preliminary stages, will have an important bearing on improving personnel standards in the future.

As might be expected, along with the tendency toward professionalization of library staffs has come the inauguration and growth of library schools. In the beginning training courses were instituted in the larger libraries of the country and directed by regular members of the library staff. Gradually these courses have become established as independent, professional schools until in November, 1937, there were approximately thirty such institutions accredited by the American Library Association.²⁶ At the present time the trend is toward discouraging the founding of many new library schools, emphasizing instead the "increasingly high quality of professional education through the strengthening of the best of existing agencies and the limitation of students to those persons who possess superior qualifications for service as librarians."²⁷ As the public is demanding more from its librarians, the latter are meeting the challenge by raising the requirements for entrance into professional training. The American Library Association, founded in 1876 as "an organization of libraries, librarians, library trustees, and others interested in libraries,"²⁸ has been active in recent years with its "Board of Education for Librarianship," which oversees library schools, classifying them according to the character of work offered, qualifications for admission, and the maintenance of high standards of professional education generally.²⁹ At the Sixtieth

²⁵ Unsigned, "Professional Education—Fourteenth Annual Report of the Board of Education for Librarianship for the year ending July 31, 1938," *Bulletin of the American Library Association* (September, 1938), Vol. 32, p. 548.

²⁶ Unsigned, "Accredited Library Schools," *Bulletin of American Library Association* (November, 1937), Vol. 31, p. H-61.

²⁷ Unsigned, "Professional Education—Fourteenth Annual Report of the Board of Education for Librarianship for the year ending July 31, 1938," *Bulletin of the American Library Association* (September, 1938), Vol. 32, p. 544.

²⁸ Unsigned, "The A.L.A.—What It Is and Does," *Bulletin of the American Library Association* (November, 1938), Vol. 32, pp. H5-H6.

²⁹ Arthur E. Bostwick, *The Public Library in the United States* (American Library Association, Chicago, 1929), p. 45.

Annual Conference of the American Library Association in 1938 four fundamental characteristics were listed as desirable for library personnel: social intelligence, "so that he can work for and with people easily"; abstract intelligence, so that he can "think and reason clearly . . . see a problem and work out a solution"; good academic training; and a good foundation in the technique and theory of library practice.³⁰ This is a far cry from the old-time belief that the only requisites for a librarian were genteel birth and a love of books.

SCOPE OF LIBRARY ACTIVITIES. James Truslow Adams has declared that the Library of Congress best exemplifies what he terms *The American Dream*—"a symbol of what democracy can accomplish on its own behalf."³¹ When one views the multitude of services performed by the public library today, he is convinced that many municipal libraries are contributing only slightly less to the life of their surrounding communities than the great Library of Congress is to those to whom its facilities are available. For the same reason that all cultural activities have assumed growing importance in recent years, the public library has become an increasingly vital factor in American life. This movement has been characterized by a variety of changes and innovations in library philosophy and administration.

Modern library philosophy does not believe in the "safekeeping" function of a library as being a primary activity, maintaining instead that "the quicker the physical book wears out in legitimate service, the better."³² In accordance with this philosophy, the readers' comfort and convenience play an important part in library administration. One finds home use quite generally, where formerly books had to be read within library walls; free access to books, where at one time attendants guarded books from shelf to patron; and finally, forethought in the design of library buildings to provide pleasant surroundings and physically adequate quarters for the multitude of library activities. It is interesting to note that library people are constantly studying new improve-

³⁰ Unsigned, "Proceedings of the 60th Annual Conference, Kansas City, June 13-18, Professional Training Section," *Bulletin of the American Library Association* (October 15, 1938), Vol. 32, p. 916.

³¹ Adams, *op. cit.*, p. 425.

³² Bostwick, *op. cit.*, p. 5.

ments and developing standards in fields of lighting, ventilation, most effective use of space, and similar physical considerations.³³

That the public library is an important factor in adult education is evident when one surveys the varied types and the extent of services offered. The readers' advisers are popular and busy members of the staffs of most libraries of any size;³⁴ their activities vary from answering simple factual questions to perhaps devising reading lists to fit individual needs.³⁵ Other members of the library staff may act as book-review leaders in study groups which meet at the library or elsewhere; still others will prepare movie reviews, reading lists connected with current events, or possibly educational radio program lists which are posted in conspicuous places in the library.³⁶ Some libraries carry on an extensive program of "direct mail advertising" by sending bibliographies of home-making materials to newlyweds; lists of books on infant care to new parents; and seasonal bibliographies in gardening, hobbies, Christmas, and similar subjects to selected persons. Lectures, public forums, and sometimes formal classes in rooms especially designed for that purpose are a part of the regular program of an increasing number of libraries. Perhaps not so many libraries provide a concert hall for musical events, special exhibit rooms for art displays, and even stages equipped for "little theatre" productions.³⁷

It is interesting to note, in passing, the trend toward the development of special libraries. Perhaps the most active field of specialized services of a technical nature is exemplified by the municipal reference library which is found in approximately a dozen large cities in the United States.³⁸ These libraries, which

³³ Unsigned, "Proceedings of the 60th Annual Conference, Kansas City, June 13-18, 1938," *Bulletin of the American Library Association* (October 15, 1938), p. 890.

³⁴ New York City now has a system of part-time advisers for branch libraries. Jennie M. Flexner, "Readers' Advisory Service in New York Branch Libraries," *Bulletin of the American Library Association* (February, 1938), Vol. 32, pp. 83-86.

³⁵ Alvin Johnson, *The Public Library—A People's University* (American Association for Adult Education, New York, 1938), pp. 36-46.

³⁶ *Ibid.*, p. 56.

³⁷ New York City branch libraries have such stages. See unsigned news item in *Bulletin of the American Library Association* (March, 1938), Vol. 32, p. 200.

³⁸ For a complete list of these cities and a description of the services they perform, see Kenneth S. Tisdell, *Survey of Services and Publicity in Municipal Reference Libraries* (Municipal Reference Library, St. Louis, Missouri, 1937), mimeo., 17 pp.

are a branch of the public library, perform such services as compiling reading lists, supplying information to municipal employees and outsiders alike, sometimes conducting research projects, and especially assisting civic organizations, school people, and municipal officials to keep up to date or discover elusive facts about government.

PUBLIC RELATIONS. Of late years every effort is being made to display to the public the wares of the public library. Many group meetings have come under the sponsorship of the public library, chiefly because it is a convenient assembly place. It is believed that bringing people to the library for any reason will further interest them in the services that that institution has to offer. This is done by means of radio broadcasts, newspaper publicity, special display cases for both indoor and outdoor exhibits, and numerous other ingenious appeals to the reading and non-reading public alike. In 1933 the Carnegie Corporation provided a three-year grant for an extensive program of exhibits at the Enoch Pratt Free Library in Baltimore. As a result, this library presented 1,347 exhibits during the three-year period in thirteen street display windows and twenty-seven inside cases. New ideas along this line are developing constantly to bring home to taxpayers and the public in general "the close connection that books have with every phase of public and private life."³⁹

Museums and Zoos

Despite the European tradition of popular attention to the arts, it is interesting to note that some of the fourteen largest museums in the United States have a greater attendance than the more important foreign museums. Thus one may be surprised to learn that the Metropolitan Museum in New York has more visitors in a year than the National Gallery in London or the Louvre in Paris.⁴⁰ In the United States there are 201 public art museums housed in buildings costing \$81,000,000, with a total income of \$6,000,000 per year. Of this number, possibly the "big Four"

³⁹ *The Reorganization of a Large Public Library, A Ten-Year Report of the Enoch Pratt Free Library, 1926-1935* (Enoch Pratt Free Library, Baltimore, 1937), mimeo., p. 138.

⁴⁰ Keppel and Duffus, *op. cit.*, pp. 66-67.

would include the Metropolitan Museum of Art in New York City, the Boston Museum of Fine Arts, the Chicago Art Institute, and the Pennsylvania Museum, in Philadelphia. Among the museums of the country it can be said with rough accuracy that half are devoted entirely or chiefly to art, one-fourth entirely or chiefly to natural history, and one-tenth to history.⁴¹ From these figures it is a reasonable conclusion that the part the museum plays in modern American life is sufficiently important to merit consideration.

HISTORICAL DEVELOPMENT OF MUSEUMS. The modern American museum is the outgrowth of an early European rebellion against the "confinement of scientific and artistic knowledge within the narrow prisons of class and privilege."⁴² In Europe this attempt at diffusion of knowledge occurred as an accompaniment of the great social reform movements, whereas in the United States the museum was readily accepted as a worthy instrument for popularizing knowledge and culture in a democratic nation. The early American museums appeared as "library societies," historical associations, university collections of natural history material, and other academic research repositories. At that time they were the laboratories for scholars and professional men of science. About 1850, however, the beginning of an industrial era brought about a disintegration of the library and historical societies and turned the attention of universities to other fields, with museums suffering a parallel decline. It was during this period that the museums became the "dusty, musty store-houses" that still influence the popular conception of these institutions.⁴³

By slow degrees the museum has discovered that it has something to offer the public, in return for which it may receive financial support. It is only within approximately the last sixty years that there has been any recognizable attempt by museum supporters to view objectively their goals, achievements, and program for future development. As a result, the whole philosophy

⁴¹ Paul Marshall Rea, *The Museum and the Community* (The Science Press, Lancaster, Pennsylvania, 1932), p. 69.

⁴² Adam, *op. cit.*, p. 5.

⁴³ Adam, *op. cit.*, pp. 1-10.

of the purpose of museums, whether they be art, natural history, or any of the other varied subjects, has undergone a change.⁴⁴

ADMINISTRATION OF MUSEUMS. The administration of museums is seldom an integral part of city government itself. Museums in general occupy a somewhat hybrid position in the legal structure of the municipality. They vary from the Art Institute of Chicago, whose connection with the city is merely its occupation of publicly owned land, to that of Los Angeles County, which is essentially a part of the governmental structure. In other instances one or more city officials sit as ex-officio members on the museum governing board.⁴⁵ It is difficult to generalize relative to the organizational structure and management of these institutions, because they differ greatly in details. However, there is a growing feeling that a bond of similar problems and procedures exists among the various museums, regardless of the difference in subject matter, and that their administrative techniques may conform to a somewhat identical pattern in general outline.⁴⁶

The first characteristic of the administration of museums seems to be that the great majority of them is organized upon the basis of a semi-public corporation. In searching the law one is unable to find a peculiar or specialized corporate form set up particularly for museums. They are usually incorporated under the non-profit corporate laws of the particular state in which they are located. This is the same law under which hospitals and charitable, philanthropic, and religious enterprises are organized. In a sense, museums are recognized as being "vested with a public interest," just as are public utilities.⁴⁷

Most museums have a board of trustees which is often self-perpetuating. This board selects a chief administrative officer known as superintendent, director, or curator, to act as the general manager of the institution. This form of organization grew out of the fact that these agencies had no connection with the gov-

⁴⁴ Rea, *op. cit.*, pp. 3-28.

⁴⁵ For a summary of the organization and activities of thirty-three of the larger art museums in the United States, see Milwaukee Municipal Reference Library, *Art Institutes in the United States* (Milwaukee, July 16, 1937), mimeo., 14 pp.

⁴⁶ Rea, *op. cit.*, p. 5.

⁴⁷ Adam, *op. cit.*, p. 16 ff.

ernment at the time of their inception. Very often they have been private collections which a philanthropic donor desired to make available to more general use. Frequently the semi-public corporate form is chosen deliberately to offer greater inducement to donors who fear that their gifts will not receive proper care under what they regard as political management.

FINANCIAL STRUCTURE OF MUSEUMS. The usual sources of museum funds are income-bearing endowment, membership fees, gifts, and taxation. Well over half has some form of endowment, and probably a third receives a direct contribution of tax money. Practically all receive some governmental subsidy in the form of exemption from taxation, or the occupation of government land or buildings; and sometimes the custodial services are furnished at least in part by the park or public works department of the city.⁴⁸

MODERN MUSEUM ACTIVITIES. There are two general philosophies which may govern the management of museums. Such an institution may be used by scholars and specialists almost exclusively, as was the case in the early period of their development. At that time museums were scientific retreats where professionals were given free rein, with scant, if any, attention being paid to popular appeal. It has been said that some museums existed primarily for the pleasure of the staffs.⁴⁹ Museums will undoubtedly always have to be operated by persons who are drawn to the work by an antiquarian, artistic, scientific, and scholarly interest. However, there is little doubt that the modern trend is in the direction of inducing the maximum popular interest and attendance, and imbuing the staff with the idea that their work is to uncover and present to the world rare and unique items having peculiar educational value. This does not mean that creation of a wider popular interest need sacrifice the scientific, artistic, and scholarly aspect of museum work, although some authorities feel that this needs to be guarded against.⁵⁰ Neither is there necessarily less emphasis being placed upon the acquisition and preservation of significant objects. However, the newer philosophy

⁴⁸ Milwaukee Municipal Reference Library, *loc. cit.*

⁴⁹ Rea, *op. cit.*, p. 4.

⁵⁰ *Ibid.*, p. 28.

declares that "a museum which does not serve the present generation is unlikely to serve any generation," and so museums are learning to adapt themselves to the public instead of expecting the public to adapt itself to the museum.⁵¹

In order to reach a common, middle ground an educational program has practically forced itself upon the newer museum, which has answered this popular demand in interesting and effective ways. Many hold classes for children and for adults on topics more or less closely allied with museum displays. It is reported that a number of New York stores send selected employees to school at the Metropolitan Museum of Art on company time to attend a series of lectures and demonstrations dealing with art in merchandising.⁵² Frequently art museums sponsor classes in creative fields at little or no expense to the student (for example, the School of Design at the Toledo Museum). Traveling exhibits bring artistic masterpieces, historical objects of interest, natural science showcases, and innumerable other previously inaccessible items to parks and playgrounds, schools, and outlying communities.

There is an increasingly close co-operation between museum and education officials in planning the art curriculum in such places as Cleveland and Detroit.⁵³ Occasionally universities will give credit for art instruction given by an approved museum.⁵⁴ Among the art museums, all city institutions and most of the others operate with free admission and free classes, although in some instances members are granted special privileges.⁵⁵ Particularly in museums which are publicly financed the obligation to maintain popular appeal is seriously upheld. The Detroit Institute of Arts is an example of what can be done to make the museum a place of interest to all types of visitors.

The museum's democracy is a fact, not a pose. Workers from the factories, including many of foreign birth, are a large

⁵¹ Keppel and Duffus, *op. cit.*, pp. 70, 77-78.

⁵² R. L. Duffus, *The American Renaissance* (Alfred A. Knopf, Inc., New York, 1928), p. 231.

⁵³ *Ibid.*, p. 261.

⁵⁴ In 1931 Columbia University, New York University, the College of the City of New York, and the Board of Education of New York City gave some credit for courses taken at the Metropolitan Museum. Keppel and Duffus, *op. cit.*, p. 71.

⁵⁵ Milwaukee Municipal Reference Library, *loc. cit.*

ingredient in the Sunday afternoon crowd. They listen to a program of music, then mill through the galleries, stopping to listen to a "gallery talk" about some new acquisitions. They peer at a Matisse or at Odilon Redon's butterflies, and some one says, "Can't make much of these new painters." But they keep on seeing them Sunday after Sunday, and the chances are they will be able to make something of them in the end. Mere familiarity will attend to that.⁵⁶

Temporary exhibits of subjects having wide appeal are used in the more progressive museums to inform and create a desire for further museum experience in those people who are not trained in the fundamentals of aesthetic appreciation but are interested nevertheless in such things as photographic displays and exhibitions of sketches, paintings, and similar subjects.⁵⁷

A definite tendency is to group items in a setting appropriate to their origin. For example, the Metropolitan Museum in New York has its "American Wing," which displays objects of interest in connection with the development of this country in their historically accurate setting. Likewise, natural history museums frequently re-create the natural habitat of the wild life which they exhibit. Some museums center their whole attention on one field or subject, such as the Museum of the City of New York, which seeks "to depict the past of a single community" by its displays and activities.⁵⁸ Toledo was one of the first cities to plan its museum building with the needs of the people in mind, including within the structure classrooms, assembly rooms, lockers, a lecture room, auditorium, and concert hall.⁵⁹ All these things are believed to make museum offerings more intelligible, entertaining, and useful to the general run of visitors.

ZOOLOGICAL GARDENS. From the standpoint of their administration zoological gardens resemble museums. While some zoos are operated directly by park departments, many are operated by zoological societies. These are semi-public, non-profit

⁵⁶ Duffus, *op. cit.*, p. 263.

⁵⁷ Adam, *op. cit.*, p. 82.

⁵⁸ *Sixth Annual Report, Museum of the City of New York*, 1936 (New York, 1937), p. 1.

⁵⁹ Unsigned, "The Pied Piper of Toledo," *Fortune* (January, 1938), Vol. XVII, pp. 69-76.

corporations. They frequently occupy municipal park premises. While having a rather intimate association with the city government, they are nevertheless governed by their own corporate boards. This may be the case even where municipal funds are used. An outstanding example of a zoological collection maintained in a small city is that of San Diego, California. The San Diego zoo is located in Balboa Park, the latter being an integral part of the municipal park system. The zoological society was organized in 1916 as a non-profit, scientific, and educational corporation. In 1918 the society entered into an agreement with the city whereby approximately two hundred acres of land in Balboa Park were to be developed as a zoo. Title to about \$10,000 worth of animals was transferred to the city with the proviso that the control was to remain in the zoological society. Appropriation of city funds was made for the development of the land and the care of the animals from time to time, but it was not until 1934 that a charter amendment authorized a special tax levy for the partial support of the zoo. This fund is administered through the regular city fiscal agencies.

San Diego County also appropriates \$5,000 each year on the principle that the zoo is a direct benefit to the health department, sheriff's office, coroner, and agricultural commissioners, who have the full advantage of the resources of the zoological hospital and laboratory. The building of the physical equipment has been provided almost exclusively from private funds, and of \$1,000,000 so donated, approximately half has come from a single family. Revenue is also received from gate admissions of twenty-five cents for all adults sixteen or over, through membership fees, through operation of lunchrooms, refreshment stands, and a sightseeing bus around the Garden. New specimens are acquired through the sale of surplus specimens born, collected, or donated to the zoo; through donations of specimens from individual collectors and naturalists; or by exchange, which is the largest of the three sources of exhibits.⁶⁰

Although zoos have always had a large popular appeal, in

⁶⁰ The information in this paragraph concerning the San Diego Zoo is taken from a letter to the author from Mrs. Belle J. Benchley, Executive Secretary of the Zoological Society of San Diego.

recent years, like museums, they have introduced new features to attract wide attendance. Barless animal units, for example, attempt to reproduce the natural environment of the various kinds of wild life, a common method being to surround the unit on three sides by rock formations and separate it from spectators on the fourth side by a wide moat or other unobtrusive obstacles to escape.⁶¹ Adroit publicity in the form of well-selected human-interest stories utilizes to an increasing extent the natural public interest in animal life. The efficacy of this publicity and of the revitalized displays is reflected in the attendance figures at such places as the Lincoln Park Zoo in Chicago and the St. Louis Zoological Park.⁶²

Music

Radio is one of the factors which has made music "not only accessible but practically unavoidable for all who can hear," observes the President's Research Committee on Social Trends.⁶³ Community music is now receiving tremendous impetus from a number of sources. In addition to radio, other factors contributing are the increased amount of leisure time of American working people and the greater popular acquaintance with music brought about through extensive public school training in this field.

RÔLE OF MUNICIPAL GOVERNMENT. Music has received support from various public and private sources in the course of its development as a community activity. This discussion, however, is confined to a survey of the part the general city government has played in the sponsorship of musical enterprises. In the main this will include those activities which are supported principally from municipal tax sources. Only passing mention can be made of the musical activities of the Works Progress Administration.

⁶¹ The St. Louis Zoological Park has made elaborate efforts to create a realistic effect in its bear unit and what it terms the "South American Pampas Scene," a group display of South American animals. *Annual Report, Parks and Recreation, City of Saint Louis, 1937-1938* (St. Louis, 1938), p. 38.

⁶² In 1937 St. Louis reported an attendance exceeding two and one half million people; Lincoln Park Zoo estimates a similar number. *Annual Report, Parks and Recreation, City of Saint Louis, 1937-1938*, p. 38; *A Tour Guide for Lincoln Park Zoo* (distributed by Chicago Park District).

⁶³ Keppel and Duffus, *op. cit.*, p. 164.

Such projects as W.P.A. symphonies, operas, and ballets seem to have filled a real need, both from the standpoint of the unemployed artists and the audiences.⁶⁴ It seems very probable that if and when federal support is withdrawn from these projects, an irresistible demand will be made upon local governments for their continuation.

Prior to the depression years of the 1930's, tax-supported music existed mainly in the public school system and in band concerts given by park departments. The laws of many states permit municipalities to levy a special tax for the support of the band.⁶⁵ Provision has been made in approximately seventeen states for the enactment of a special "Band Law" by an initiative petition of the legal voters of a given city, to take care of situations where municipal authorities failed to respond to permissive legislation.⁶⁶ Thus many cities and towns in all parts of the country levy a small property tax for the support of the local band. The more recent trend, however, has been in the direction of securing maximum interest in the presentation of a wider variety of music, either as participants or audience. There can be little doubt that there has been a tremendous increase in popular ability to appreciate and enjoy good music in the United States.

TYPES OF MUNICIPAL ORGANIZATION FOR MUSIC. Throughout the country the form of organization adopted by a community to sponsor its musical activities has been very largely the outgrowth of its particular needs and conditions. Thus in some cities such as Flint, Michigan, one finds a music director employed jointly by the public schools and the Community Music Association. Winston-Salem, North Carolina, in 1921 established a joint Department of Public School and Community Music, employing a single individual to act as supervisor of music in the public schools and director of the Department.⁶⁷

⁶⁴ It is reported that approximately 50,000 people (excluding radio listeners) heard W.P.A. concerts in the first fifteen months of the Federal Music Project. For a further description of the "New Deal" and the arts, see, Unsigned, "Unemployed Arts," *Fortune* (May, 1937), Vol. XV, pp. 108-117.

⁶⁵ The National Bureau for the Advancement of Music reported in 1925 that twenty-two states authorized by law appropriations for music, twelve of these specifying band music. Augustus Delafield Zanzig, *Music in American Life* (Oxford University Press, London and New York, 1932), p. 219.

⁶⁶ Zanzig, *op. cit.*, p. 220.

⁶⁷ *Ibid.*, p. 116 ff.

Other communities in which there is a definite connection between the public school system and municipal music include Ottawa, Kansas, and Springfield, Vermont. Minneapolis, Milwaukee, St. Louis, and Los Angeles and other California cities sponsor musical activities through their adult educational program.⁶⁸

Very often there will be a division of music in a municipal park or recreation department. In this type of organization it is usual for certain staff members to devote their entire attention to the direction and promotion of musical activities. Cincinnati, Los Angeles, San Francisco, and Glendale, California, are among the cities having this form of music supervision.⁶⁹ Philadelphia has a municipal Bureau of Music in its Department of Public Welfare which has been notably successful.⁷⁰ Bangor, Maine, and Denver, Colorado, maintain their musical activities under the direction of an organization which developed from an annual festival.⁷¹ Baltimore, long known for its interest in music, since 1918 has supported by tax money a separate Municipal Music Department, headed by a municipal director of music, which sponsors an extensive program of municipal music. An interesting evidence of the community interest in this program is the fact that in 1928 when he was a guest soloist with the Baltimore Symphony, Dr. John Erskine refused his fee "as a tribute to the enthusiastic appreciation of the audience."⁷²

Just as the form of organization for promoting music varies widely in different communities, so do the activities engaged in by these agencies differ considerably. In some places the administrative staff engages in actual musical participation, conducting orchestras, leading bands, and so forth. In other places the municipal officials act merely as a co-ordinating agency for musical groups independently established, possibly directing publicity and assisting in problems of meeting places, transportation, and the like. The amount of financial support granted by the

⁶⁸ *Ibid.*, pp. 122 ff., 232.

⁶⁹ *Ibid.*, p. 135 ff.

⁷⁰ *Ibid.*, p. 146 ff.

⁷¹ *Ibid.*, p. 156.

⁷² Kenneth S. Clark, *Baltimore, "Cradle of Municipal Music"* (City of Baltimore, 1938), rev. ed., p. 19.

city will naturally be a determining factor, as will the particular stage of musical development that the community has achieved.

TYPES OF MUSICAL ACTIVITIES. In a survey made in 1938 it was found that 224 cities in the United States reported having choral groups; 227 cities reported community singing; and 278 cities reported instrumental groups.⁷³ This in no way describes the often elaborate and usually well-attended performances given by municipal symphony orchestras throughout the country. Further, these figures do not include the choral groups appearing in concerts, operas, music festivals, and the innumerable other musical activities and organizations that have sprung up for the mutual enjoyment of participants and audience. One outstanding example of what is likewise being done on a smaller scale in other places is the series of concerts sponsored by the Chicago Park District and presented in Grant Park, along the lake front. From the first of July to Labor Day, band and symphony concerts are given every evening from eight to ten o'clock. Attendance runs into the thousands, the appreciation and approval of the public being quite evident. There is no admission charge, and the concerts are broadcast over national radio systems. Individual participants are often widely known conductors and artists.⁷⁴

From even this brief survey it is evident that music has made a place for itself in modern living. Recognition of this fact is bringing it within the scope of governmental administration.

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